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Selections.

FREEDOM NATIONAL—SLAVERY SECTIONAL.

SPEECH

OF

Hon. Charles Sumner, of Massachusetts,

ON HIS MOTION

TO REPEAL THE FUGITIVE SLAVE LAW,

IN THE SENATE OF THE UNITED STATES.

Thursday, August, 26, 1852

The Civil and Diplomatic Appropriation Bill being under consideration, the following amendment was moved by the Committee on Finance:

"That where the ministerial officers of the United States have or shall incur extraordinary expenses in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary."

Mr. SUMNER moved the following amendment to the amendment:

"Provided, That no such allowance shall be authorized for any expenses incurred in executing the fugitive act of Sept. 18, 1850, for the surrender of fugitives from service or labour; which said act is hereby repealed."

On this he took the floor, and spoke as follows:

Mr. PRESIDENT: Here is a provision for extraordinary expenses incurred in executing the laws of the United States. Extraordinary expenses! Sir, beneath these specious words lurks the very subject on which, by a solemn vote of this body, I was refused a hearing. Here it is; no longer open to the charge of being an "abstraction," but actually presented for practical legislation; not introduced by me, but by one of the important committees of the Senate; not brought forward weeks ago, when there was ample time for discussion, but only at this moment, without any reference to the late period of the session. The amendment, which I now offer, proposes to remove one chief occasion of these extraordinary expenses. And now, at last, among these final crowded days of our duties here, but at this earliest opportunity, I am to be heard; not as a favour, but as a right. The graceful usages of this body may be abandoned, but the established privileges of debate cannot be abridged. Parliamentary courtesy may be forgotten, but Parliamentary law must prevail. The subject is broadly before the Senate. By the blessing of God, it shall be discussed.

Sir, a severe lawgiver of early Greece vainly sought to secure permanence for his imperfect institutions, by providing that the citizen who, at any time, attempted an alteration or repeal of any part thereof, should appear in the public assembly with a halter about his neck, ready to be drawn if his proposition failed to be adopted. A tyrannical spirit among us, in unconscious imitation of this antique and discarded barbarism, seeks to surround an offensive institution with a similar safeguard. In the existing distemper of the public mind and at this present juncture, no man can enter upon the service which I now undertake without a personal responsibility, such as can be sustained only by that sense of duty which, under God, is always our best support. That personal responsibility I accept. Before the Senate and the country let me be held accountable for this act, and for every word which I utter.

With me, sir, there is no alternative. Painfully convinced of the unutterable wrongs and woes of Slavery; profoundly believing that, according to the true spirit of the Constitution and the sentiments of the fathers, it can find no place under our *National* Government—that it is in every respect *sectional*, and in no respect *national*—that it is always and everywhere the creature and dependent of the *States*, and never anywhere the creature or dependent of the *Nation*, and that the *Nation* can never, by legislative or other act, impart to it any support, under the Constitution of the United States; with these convictions, I could not allow this session to reach its close without making or seizing an opportunity to declare myself openly against the usurpation, injustice, and cruelty, of the late enactment by Congress for the recovery of fugitive slaves. Full well I know, sir, the difficulties of this discussion, arising from prejudices of opinion and from adverse conclusions, strong and sincere as my own. Full well I know that I am in a small minority, with few here to whom I may look for sympathy or support. Full well I know that I must utter things unwelcome to many in this body, which I cannot do without pain. Full well I know that the institution of Slavery in our country, which I now proceed to consider, is as sensitive as it is powerful—possessing a power to shake the whole land with a sensitiveness that shrinks and trembles at the touch. But, while these things may properly prompt me to caution and reserve, they cannot change my duty, or my determination to perform it. For this I willingly forget myself, and all personal consequences. The favour and good-will of my fellow-citizens, of my brethren of the Senate, sir—grateful to me as it justly is—I am ready, if required, to sacrifice. All that I am or may be, I freely offer to this cause.

And here allow me, for one moment, to refer to myself and my position. Sir, I have never been a politician. The slave of principles, I call no party master. By sentiment, education, and conviction, a friend of Human Rights, in their utmost expansion, I have ever most sincerely embraced the Democratic Idea; not, indeed, as represented or professed by any party, but according to its real significance, as transfigured in the Declaration of Independence, and in the injunctions of Christianity. In this Idea I saw no narrow advantages merely for individuals or classes, but the sovereignty of the people and the greatest happiness of all secured by equal laws. Amidst the vicissitudes of public affairs, I trust always to hold fast to this Idea, and to any political party which truly embraces it.

Party does dot constrain me; nor is my independence lessened by any relations to the office which gives me a title to be heard on this floor. And here, sir, I may speak proudly. By no effort, by no desire of my own, I find myself a Senator of the United States. Never before have I held public office of any kind. With the ample opportunities of private life I was content. No tombstone for me could bear a fairer inscription than this: "Here lies one who, without the honours or emoluments of public station, did something for his fellow man." From such simple aspirations I was taken away by the free choice of my native Commonwealth, and placed in this responsible post of duty, without personal obligation of any kind, beyond what was implied in my life and published words. The earnest friends, by whose confidence I was first designated, asked nothing from me, and, throughout the long conflict which ended in my election, rejoiced in the position which I most carefully guarded. To all my language was uniform, that I did not desire to be brought forward; that I would do nothing to promote the result; that I had no pledges or promises to offer; that the office should seek me, and not I the office; and that it should find me in all respects an independent man, bound to no party and to no human being, but only, according to my best judgment, to act for the good of all. Again, sir, I speak with pride, both for myself and others, when I add that these avowals found a sympathizing response. In this spirit I have come here, and in this spirit I shall speak to-day.

Rejoicing in my independence and claiming nothing from party ties, I throw myself upon the candour and magnanimity of the Senate. I now ask your attention; but I trust not to abuse it. I may speak strongly; for I shall speak openly and from the strength of my convictions. I may speak warmly; for I shall speak from the heart. But in no event can I forget the amenities which belong to debate, and which especially become this body. Slavery I must condemn with my whole soul; but here I need only borrow the language of slaveholders themselves; nor would it accord with my habits or my sense of justice to exhibit them as the impersonation of the institution—Jefferson calls it the "enormity"—which they cherish. Of them I do not speak; but without fear and without favour, as without impeachment of any person, I assail this wrong. Again, sir, I may err; but it will be with the Fathers. I plant myself on the ancient ways of the Republic, with its grandest names, its surest landmarks, and all its original altar-fires about me.

And now, on the very threshold, I encounter the objection that there is a final settlement, in principle and substance, of the question of Slavery, and that all discussion of it is closed. Both the old political parties of the country, by formal resolutions, have united in this declaration. On a subject which, for years, has agitated the public mind; which yet palpitates in every heart and burns on every tongue; which, in its immeasurable importance, dwarfs all other subjects; which, by its constant and gigantic presence, throws a shadow across these Halls; which at this very moment calls for appropriations to meet extraordinary expenses it has caused, they have imposed the rule of silence. According to them, sir, we may speak of everything except that alone, which is most present in all our minds.

To this combined effort I might fitly reply, that, with flagrant inconsistency, it challenges the very discussion which it pretends to forbid. Such a declaration, on the eve of an election, is, of course, submitted to the consideration and ratification of the people. Debate, inquiry, discussion, are the necessary consequence. Silence becomes impossible. Slavery, which you profess to banish from the public attention, openly by your invitation enters every political meeting and every political convention. Nay, at this moment it enters this Senate, crying like the daughters of the horse-leech, "Give! give!"

But no unanimity of politicians can uphold the baseless assumption that a law, or any conglomerate of laws, under the name of Compromise, or howsoever called, is final. Nothing can be plainer than this: that, by no Parliamentary device or knot, can any Legislature tie the hands of a succeeding Legislature, so as to prevent the full exercise of its constitutional powers. Each Legislature, under a just sense of its responsibility, must judge for itself; and, if it think proper, it may revise or amend, or absolutely undo the work of its predecessors. The laws of the Medes and Persians are proverbially said to have been unalterable; but they stand forth in history as a single example of such irrational defiance of the true principles of all law.

To make a law final, so as not to be reached by Congress, is, by mere legislation, to fasten a new provision on the Constitution. Nay, more; it gives to the law a character which the very Constitution does not possess. The wise fathers did not treat the country as a Chinese foot, never to grow after infancy; but, anticipating Progress, they declared expressly that their Great Act is not final. According to the Constitution itself, there is not one of its existing provisions—not even that with regard to fugitives from labour—which may not at all times be reached by amendment, and thus be drawn into debate. This is rational and just. Sir, nothing from man's hands, nor law, nor constitution, can be final. Truth alone is final.

Inconsistent and absurd, this effort is tyrannical also. The responsibility for the recent Slave Act and for Slavery everywhere within the jurisdiction of Congress necessarily involves the right to discuss them. To separate these is impossible. Like the twenty-fifth rule of the House of Representatives against petitions on Slavery—now repealed and dishonoured—the Compromise, as explained and urged, is a curtailment of the actual powers of legislation, and a perpetual denial of the indisputable principle that the right to deliberate is co-extensive with the responsibility for an act. To sustain Slavery, it is now proposed to trample on *free speech*. In any country this would be grievous; but here, where the Constitution expressly provides against abridging freedom of speech, it is a special outrage. In vain do we condemn the despotisms of Europe, while we borrow the rigours with which they repress Liberty, and guard their own uncertain power. For myself, in no factious spirit, but solemnly and in loyalty to the Constitution, as a Senator of Massachusetts, I protest against this wrong. On Slavery, as on every other subject, I claim the right to be heard. That right I cannot, I will not abandon. "Give me the liberty to know, to utter and to argue freely, above all liberties." These are the glowing words which flashed from the soul of John Milton, in his struggles with English tyranny. With equal fervour they should be echoed now by every American, not already a slave.

But, sir, this effort is impotent as tyrannical. The convictions of the heart cannot be repressed. The utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of Ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of Slavery will proceed, wherever two or three are gathered together—by the fireside, on the highway, at the public meeting, in the church. The movement against Slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not yet be felt in the high places of office and power; but all who can put their ears humbly to the ground, will hear and comprehend its incessant and advancing tread.

The relations of the Government of the United States—I speak of the National Government—to Slavery, though plain and obvious, are constantly misunderstood. A popular belief at this moment makes Slavery a national institution, and, of course, renders its support a national duty. The extravagance of this error can hardly be surpassed. An institution which our fathers most carefully omitted to name in the Constitution, which, according to the debates in the Convention, they refused to cover with any "sanction," and which, at the original organization of the Government, was merely *sectional*, existing nowhere on the *national* territory, is now above all other things blazoned as national. Its supporters plume themselves as national. The old political parties, while upholding it, claim to be national. A National Whig is simply a Slavery Whig, and a National Democrat is simply a Slavery Democrat, in contradistinction to all who regard Slavery as a sectional institution, within the exclusive control of the States, and with which the nation has nothing to do.

As Slavery assumes to be national, so, by an equally strange perversion, Freedom is degraded to be sectional, and all who uphold it, under the national Constitution, share this same epithet. The honest efforts to secure its blessings, everywhere within the jurisdiction of Congress, are scouted as sectional; and this cause, which the founders of our National Government had so much at heart, is called *sectionalism*. These terms, now belonging to the commonplaces of political speech, are adopted and misapplied by most persons without reflection. But herein is the power of Slavery. According to a curious tradition of the French language, Louis XIV., the grand monarch, by an accidental error of speech, among supple courtiers, changed the gender of a noun; but Slavery has done more than this. It has changed word for word. It has taught many to say *national* instead of *sectional*, and *sectional* instead of *national*.

Slavery national! Sir, this is all a mistake and absurdity, fit to take a place in some new collection of Vulgar Errors, by some other Sir Thomas Browne, with the ancient but exploded stories, that the toad has a stone in its head, and that ostriches digest iron. According to the true spirit of the Constitution, and the sentiments of the Fathers, *Slavery* and not Freedom is *sectional*, while *Freedom* and not Slavery is *national*. On this unanswerable proposition I take my stand. And here commences my argument.

The subject presents itself under *two* principal heads; FIRST, *the true relations of the National Government to Slavery*, wherein it will appear that there is no national fountain out of which Slavery can be derived, and no national power, under the Constitution, by which it can be supported. Enlightened by this general survey, we shall be prepared to consider, SECONDLY, *the true nature of the provision for the rendition of fugitives from labour*, herein especially the unconstitutional and offensive legislation of Congress in pursuance thereof.

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1. And now for the TRUE RELATIONS OF THE NATIONAL GOVERNMENT TO SLAVERY. These will be readily apparent, if we do not neglect well-established principles.

If Slavery be national, if there be any power in the National Government to uphold this institution—as in the recent Slave Act—it must be by virtue of the Constitution. Nor can it be by mere inference, implication, or conjecture. According to the uniform admission of courts and jurists in Europe again and again promulgated in our country, Slavery can be derived only from clear and special recognition. "The state of Slavery," said Lord Mansfield, pronouncing judgment in the great case of Somersett, "is of such a nature, that it is incapable of being introduced on any reasons moral or political, *but only by positive law*. It is so odious, that *nothing can be suffered to support it* but POSITIVE LAW" (Howell's State Trials, vol. 20, p. 82). And a slaveholding tribunal, the Supreme Court of Mississippi, adopting the same principle, has said:

"Slavery is condemned by reason and the laws of nature. It exists and can exist *only* through municipal regulations" (*Harry* vs. *Decker*, Walker R., 42).

And another slaveholding tribunal, the Supreme Court of Kentucky, has said:

"We view this as a right existing by *positive law* of a municipal character, without foundation in the law of nature or the unwritten and common law" (*Rankin* vs. *Lydia*, 2 Marshall, 470).

Of course every power to uphold Slavery must have an origin as distinct as that of Slavery itself. Every presumption must be as strong against such a power as against Slavery. A power so peculiar and offensive, so hostile to reason, so repugnant to the law of nature and the inborn Rights of Man; which despoils its victims of the fruits of their labour; which substitutes concubinage for marriage; which abrogates the relation of parent and child; which, by a denial of education, abases the intellect, prevents a true knowledge of God, and murders the very soul; which, amidst a plausible physical comfort, degrades man, created in the divine image, to the level of a beast; such a power, so eminent, so transcendent, so tyrannical, so unjust, can find no place in any system of Government, unless by virtue of *positive sanction*. It can spring from no doubtful phrases. It must be declared by unambiguous words, incapable of a double sense.

Slavery, I now repeat, is not mentioned in the Constitution. The name Slave does not pollute this Charter of our Liberties. No "positive" language gives to Congress any *power* to make a Slave or to hunt a Slave. To find even any seeming sanction for either, we must travel, with doubtful footsteps, beyond its express letter into the region of interpretation. But here are rules which cannot be disobeyed. With electric might for Freedom, they send a pervasive influence though every provision, clause, and word of the Constitution. Each and all make Slavery impossible as a national institution. They efface from the Constitution every fountain out of which it can be derived.

First and foremost, is the *Preamble*. This discloses the prevailing objects and principles of the Constitution. This is the vestibule through which all must pass, who would enter the sacred temple. Here are the inscriptions by which they are earliest impressed. Here they first catch the genius of the place. Here the proclamation of Liberty is first heard. "We the People of the United States," says the Preamble, "in order to form a more perfect Union, *establish justice*, insure domestic tranquillity, provide for the common defence, *promote the general welfare, and secure the blessings of Liberty* to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." Thus, according to undeniable words, the Constitution was ordained, not to establish, secure, or sanction Slavery—not to promote the special interests of slaveholders—not to make Slavery national, in any way, form, or manner; but to "establish justice," "promote the general welfare," and "secure the blessings of Liberty." Here surely Liberty is national.

Secondly. Next in importance to the Preamble are the explicit *contemporaneous declarations* in the Convention which framed the Constitution, and elsewhere, expressed in different forms of language, but all tending to the same conclusion. By the Preamble, the Constitution speaks for freedom. By these declarations, the Fathers speak as the Constitution speaks. Early in the Convention, Governour Morris, of Pennsylvania, broke forth in the language of an Abolitionist: "*He never would concur in upholding domestic Slavery.* It was a nefarious institution. It was the curse of Heaven on the State where it prevailed." Oliver Ellsworth, of Connecticut, said: "The morality or wisdom of Slavery are considerations belonging to the States themselves." According to him, Slavery was sectional.

At a later day, a discussion ensued on the clause touching the African slave trade, which reveals the definitive purposes of the Convention. From the report of Mr. Madison we learn what was said. Elbridge Gerry, of Massachusetts, "thought we had nothing to do with the conduct of the States as to Slavery, *but we ought to be careful not to give any sanction to it.*" According to these words, he regarded Slavery as sectional, and would not make it national. Roger M. Sherman, of Connecticut, "was opposed to any tax on slaves imported, as making the matter worse, *because it implied they were property.*" He would not have Slavery national. After debate, the subject was committed to a committee of eleven, who subsequently reported a substitute, authorizing "a tax on such migration or importation, at a rate *not exceeding the average of duties laid on imports.*" This language, classifying *persons* with merchandise, seemed to imply a recognition that they were *property*. Mr. Sherman at once declared himself "against this part, *as acknowledging men to be property*, by taxing them as such under the character of slaves." Mr. Graham "thought Mr. Sherman should consider the duty *not as implying that slaves are property*, but as a discouragement to the importation of them." Mr. Madison, in mild juridical phrase, "*thought it wrong to admit in the Constitution the idea that there could be property in man.*" After discussion, it was finally agreed to make the clause read:

"But a tax or duty may be imposed on such importation, not exceeding ten dollars *for each person.*"

The difficulty seemed then to be removed, and the whole clause was adopted. This record demonstrates that the word "persons" was employed in order to show that slaves, everywhere under the Constitution, were always to be regarded as *persons*, and not as *property*, and thus to exclude from the Constitution all idea that there can be property in man. Remember well, that Mr. Sherman was opposed to the clause in its original form, "as acknowledging men to be *property*;" that Mr. Madison was also opposed to it, because he "thought it *wrong* to admit in the Constitution the idea that there could be property in man;" and that, after these objections, the clause was so amended as to exclude the idea. But Slavery cannot be national, unless this idea is distinctly and unequivocally admitted into the Constitution.

Nor is this all. In the Massachusetts Convention, to which the Constitution, when completed, was submitted for ratification, a veteran of the Revolution, General Heath, openly declared that, according to his view, Slavery was sectional, and not national. His language was pointed. "I apprehend," he says, "that it is not in our power *to do anything for or against those who are in Slavery in the Southern States.* No gentleman within these walls detests every idea of Slavery more than I do; it is generally detested by the people of this Commonwealth; and I ardently hope the time will soon come, when our brethren in the Southern States will view it as we do, and put a stop to it; but to this we have no right to compel them. Two questions naturally arise: *If we ratify the Constitution, shall we do anything by our act to hold the blacks in Slavery—or shall we become partakers of other men's sins? I think neither of them.*"

Afterwards, in the first Congress under the Constitution, on a motion, which was much debated, to introduce into the Impost Bill a duty on the importation of slaves, the same Roger M. Sherman, who in the National Convention had opposed the idea of property in man, authoritatively exposed the true relations of the Constitution to Slavery. His language was, that "the Constitution does not consider these persons as property; it speaks of them as persons."

Thus distinctly and constantly, from the very lips of the framers of the Constitution, we learn the falsehood of the recent assumptions in favour of Slavery and in derogation of Freedom.

Thirdly. According to a familiar rule of interpretation, all laws concerning the same matter, *in pari materia*, are to be construed together. By the same reason, *the grand political acts of the Nation are to be construed together*, giving and receiving light from each other. Earlier than the Constitution was the Declaration of Independence, embodying, in immortal words, those primal truths to which our country pledged itself with its baptismal vows as a Nation. "We hold these truths to be self-evident," says the Nation, "that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among them are life, *liberty*, and the pursuit of happiness; to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." But this does not stand alone. There is another national act of similar import. On the successful close of the Revolution, the Continental Congress, in an address to the people, repeated the same lofty truth. "Let it be remembered," said the Nation again, "that it has ever been the pride and the boast of America, *that the rights for which she has contended were the rights of human nature.* By the blessing of the Author of *these rights*, they have prevailed over all opposition, and FORM THE BASIS of thirteen independent States." Such were the acts of the Nation in its united capacity. Whatever may be the privileges of States in their individual capacities, within their several local jurisdictions, no power can be attributed to the Nation, in the absence of positive, unequivocal grant, inconsistent with these two national declarations. Here, sir, is the national heart, the national soul, the national will, the national voice, which must inspire our interpretation of the Constitution, and enter into and diffuse itself through all the national legislation. Thus again is Freedom national.

Fourthly. Beyond these is a principle of the common law, clear and indisputable, a supreme rule of interpretation from which in this case there can be no appeal. In any question under the Constitution *every word is to be construed in favour of liberty*. This rule, which commends itself to the national reason, is sustained by time-honoured maxims of our early jurisprudence. Blackstone aptly expresses it, when he says, that "the law is always ready to catch at anything in favour of liberty" (2. Black. Com., 84). The rule is repeated in various forms. *Favores ampliandi sunt; odia restringenda*. Favours are to be amplified; hateful things to be restrained. *Lex Angliæ est lex misericordiæ*. The law of England is a law of mercy. *Angliæ jura in omni casu libertati dant favorem*. The laws of England in every case shew favour to liberty. And this sentiment breaks forth in natural, though intense, force, in the maxim: *Impius et crudelis judicandus est qui libertati non favet*. He is to be adjudged impious and cruel who does not favour liberty. Reading the Constitution in the admonition of these rules, again I say Freedom is national.

Fifthly. From a learned judge of the *Supreme Court of the United States*, in an opinion of the Court, we derive the same lesson. In considering the question whether a State can prohibit the importation of slaves as merchandise, and whether Congress, in the exercise of its power to regulate commerce among the States, can interfere with the slave trade between the States, a principle has been enunciated, which, while protecting the trade from any intervention of Congress, declares openly that the Constitution acts upon no man as property. Mr. Justice McLean says: "If slaves are considered in some of the States as merchandise, that cannot divest them of the leading and controlling quality of persons by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it are protected by the Federal authorities; *but the Constitution acts upon slaves as* PERSONS, *and not as property.*" "The power over Slavery belongs to the States respectively. It is local in its character, and in its effects" (Groves vs. Slaughter, 15 Peters R., 507). Here again Slavery is sectional, while Freedom is national.

Sir, such briefly are the rules of interpretation which, as applied to the Constitution, fill it with the breath of Freedom,

Driving far off each thing of sin and guilt.

To the letter and prevailing sentiments of the times we may turn for further assurance. In the spirit of Freedom the Constitution was formed. In this spirit our Fathers always spoke and acted. In this spirit the National Government was first organized under Washington. And here I recall a scene, in itself a touchstone of the period, and an example for us, upon which we may look with pure national pride, while we learn anew the relations of the National Government to Slavery.

The Revolution had been accomplished. The feeble Government of the Confederation had passed away. The Constitution, slowly matured in a National Convention, discussed before the people, defended by masterly pens, had been already adopted. The thirteen States stood forth a nation, wherein was unity without consolidation, and diversity without discord. The hopes of all were anxiously hanging upon the new order of things and the mighty procession of events. With signal unanimity Washington was chosen President. Leaving his home at Mount Vernon, he repaired to New York, where the first Congress had already commenced its session, to assume his place as elected Chief of the Republic. On the thirtieth of April, 1789, the organization of the Government was completed by his inauguration. Entering the Senate Chamber, where the two Houses were assembled, he was informed that they awaited his readiness to receive the oath of office. Without delay, attended by the Senators and Representatives, with friends and men of mark gathered about him, he moved to the balcony in front of the edifice. A countless multitude, thronging the open street, and eagerly watching this great espousal,

With reverence look on his majestic face,
Proud to be less, but of his godlike race.

The oath was administered by the Chancellor of New York. At this time, and in this presence, beneath the uncovered heavens, Washington first took this vow upon his lips: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Over the President, on this high occasion, floated the National Flag, with its stripes of red and its stars on a field of blue. As his patriot eyes rested upon the glowing ensign, what currents must have rushed swiftly through his soul! In the early days of the Revolution, in those darkest hours about Boston, after the battle of Bunker Hill, and before the Declaration of Independence, the thirteen stripes had been first unfurled by him, as the emblem of Union among the Colonies for the sake of Freedom. By him, at that time, they had been named the Union Flag. Trial, struggle, and war, were now ended, and the Union, which they first heralded, was unalterably established. To every beholder these memories must have been full of pride and consolation. But looking back upon the scene, there is one circumstance which, more than all its other associations, fills the soul—more even than the suggestions of Union which I prize so much. AT THIS MOMENT, WHEN WASHINGTON TOOK HIS FIRST OATH TO SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE NATIONAL ENSIGN, NOWHERE WITHIN THE NATIONAL TERRITORY, COVERED A SINGLE SLAVE. Then, indeed, was Slavery sectional and Freedom national.

On the sea, an execrable piracy, the trade in slaves, was still, to the national scandal, tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, Slavery unhappily found a home. But in the only territories at this time belonging to the Nation, the broad region of the North-west, it had already, by the Ordinance of Freedom, been made impossible, even before the adoption of the Constitution. The District of Columbia, with its fatal incumbrance, had not yet been acquired.

The Government thus organized was Anti-Slavery in character. Washington was a slaveholder; but it would be unjust to his memory not to say that he was an Abolitionist also. His opinions do not admit of question. Only a short time before the formation of the National Constitution, he had declared, by letter, "that it was among his first wishes to see some plan adopted by which Slavery may be abolished by law;" and again, in another letter, "that, in support of any legislative measure for the abolition of Slavery, his suffrage should not be wanting;" and still further, in conversation with a distinguished Abolitionist, a travelling propagandist of Freedom, Brissot de Warville, recently welcomed to Mount Vernon, he had openly announced, that to promote this object in Virginia, "he desired the formation of a SOCIETY, and that he would second it." By this authentic testimony, he takes his place with the early patrons of Abolition societies.

By the side of Washington, as standing beneath the national flag he swore to support the Constitution, were illustrious men, whose lives and recorded words now rise in judgment. There was John Adams, the Vice President—great vindicator and final negotiator of our national independence—whose soul, flaming with freedom, broke forth in the early declaration, that, "consenting to Slavery is a sacrilegious breach of trust," and whose immitigable hostility to this wrong has been made immortal in his descendants. There also was a companion in arms and attached friend, of incomparable génius, the yet youthful Hamilton, who, as a member of the Abolition Society of New York, had only recently united in a solemn petition for those who, "though *free by the laws of God*, are held in Slavery *by the laws of the State.*" There, too, was a noble spirit, the ornament of his country, the exemplar of courage, truth, and virtue, who, like the sun, ever held an unerring course, John Jay. Filling the important post of Minister of Foreign Affairs under the Confederation, he found time to organize the Abolition Society of New York, and to act as its President until, by the nomination of Washington, he became Chief Justice of the United States. In his sight Slavery was an "impiety," "a sin of violence," "a gross violation of the most essential rights of human nature, and utterly repugnant to the precepts of the Gospel." Still another, of a more important character, came from the Abolition Society of Pennsylvania, and was signed by Benjamin Franklin, as President. This venerable man, whose active life had been devoted to the welfare of mankind at home and abroad—who, both as philosopher and statesman, had arrested the admiration of the world—who had ravished the lightning from the skies and the sceptre from a tyrant—who, as a member of the Continental Congress, had set his name to the Declaration of Independence, and, as a member of the National Convention, had again set his name to the Constitution—in whom more, perhaps, than in any other person, was embodied the true spirit of American institutions, at once practical and humane—than whom no one could be more familiar with the purposes and aspirations of the founders—this veteran, eighty-four years of age, within a few months of his death, now appeared by petition at the bar of that Congress, whose powers he had helped to define and establish. This was the last political act of his long life. Listen now to the prayer of Franklin:

"Your memorialists, particularly engaged in attending to the distresses arising from Slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed with real satisfaction that many important and successful efforts have been made in various parts of the world, and have been successful in some parts of the United States, for promoting the welfare and securing the blessings of liberty to the people of the United States; and as they conceive that these blessings ought rightfully to be administered, *without distinction of colour*, to all descriptions of people, *so that they indulge themselves in the pleasing expectation, that nothing which can be done for the relief of the unhappy objects of their care, will be either omitted or delayed.*" "Under these impressions, they earnestly entreat your serious attention to the subject of Slavery; *that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of Freedom, are degradedd into perpetual bondage*, and, who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will promote mercy and justice towards this distressed race, and *that you will step to the very verge of the power vested in you for* DISCOURAGING *every species of traffic in the persons of our fellow-men.*"

Important words! In themselves a key-note of the times. From his grave Franklin seems still to call upon Congress *to step to the very verge of the powers vested in it to* DISCOURAGE SLAVERY; and, in making this prayer, he proclaims the true national policy of the Fathers. Not encouragement, but discouragement of Slavery was their rule.

Sir, enough has been said to show the sentiment which, like a vital air, surrounded the National Government as it stepped into being. In the face of this history, and in the absence of any positive sanction, it is absurd to suppose that Slavery, which under the Confederation was merely sectional, was now constituted a national institution. But there is yet another link in the argument.

In the discussion which took place in the local conventions on the adoption of the Constitution, a sensitive desire was manifested to surround all persons under the Constitution with additional safeguards. Fears were expressed from the supposed indefiniteness of some of the powers conceded to the National Government, and also from the absence of a Bill of Rights. Massachusetts, on ratifying the Constitution, proposed a series of amendments, at the head of which was this, characterized by Samuel Adams, in the Convention, as "a summary of a Bill of Rights:"

"That it be explicitly declared, that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised."

Virginia, South Carolina, and North Carolina, with minorities in Pennsylvania and Maryland, united in this proposition. In pursuance of these recommendations, the first Congress presented for adoption the following article, which, being ratified by a proper number of States, became a part of the Constitution, as the 10th amendment:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Stronger words could not be employed to limit the power under the Constitution, and to protect to people from all assumptions of the National Government, *particularly in derogation of Freedom*. Its guardian character commended it to the sagacious mind of Jefferson, who said: "I consider the foundation corner stone of the Constitution of the United States to be laid upon the tenth article of the amendments." And Samuel Adams, ever watchful for Freedom, said: "It removes a doubt which many have entertained respecting the matter, and gives assurance that, if any law made by the Federal Government shall be extended beyond the power granted by the Constitution, and inconsistent with the Constitution of this State, it will be an error, and adjudged by the courts of law to be void.'

Beyond all question the National Government, ordained by the Constitution, is not general or universal; but special and particular. It is a Government of limited powers. It has no power which is not delegated. Especially is this clear with regard to an institution like Slavery. The Constitution contains no power to make a King or to support kingly rule. With similar reason it may be said, that it contains no power to make a slave or to support a system of Slavery. The absence of all such power is hardly more clear in one case than in the other.

At the risk of repetition, but for the sake of clearness, review now this argument, and gather it together. Considering that Slavery is of such an offensive character that it can find sanction only in "positive law," and that it has no such "positive" sanction in the Constitution; that the Constitution, according to its Preamble, was ordained "to establish justice" and "secure the blessings of liberty;" that, in the Convention which framed it, and also elsewhere at the time, it was declared not to sanction Slavery; that, according to the Declaration of Independence and the Address of the Continental Congress, the Nation was dedicated to "liberty" and the "rights of human nature;" that, according to the principles of the common law, the Constitution must be interpreted openly, actively, and perpetually, for Freedom; that, according to the decision of the Supreme Court, it acts upon slaves, *not as property*, but as PERSONS; that, at the first organization of the National Government under Washington, Slavery had no national favour, and existed nowhere beneath the national flag or on the national territory, but was openly condemned by the Nation, the Church, the Colleges, and Literature of the time; and, finally, that, according to an amendment of the Constitution, the National Government can only exercise powers delegated to it, among which there is none to support Slavery; considering these things, sir, it is impossible to avoid the single conclusion that Slavery is in no respect a national institution, and that the Constitution nowhere upholds property in man.

But there is one other special provision of the Constitution, which I have reserved to this stage, not so much from its superior importance, but because it may fitly stand by itself. This alone, if practically applied, would carry Freedom to all within its influence. It is an amendment proposed by the first Congress, as follows:

"No *person* shall be deprived of life, *liberty*, or property, *without due process of law.*"

Under this ægis the liberty of every person within the national jurisdiction is unequivocally placed. I say of every person. Of this there can be no question. The word "person" in the Constitution embraces every human being within its sphere, whether Caucasian, Indian or African, from the President to the slave. Show me a person, no matter what his condition, or race or colour, within the national jurisdiction, and I confidently claim for him this protection. The natural meaning of the clause is clear, but a single fact of its history places it in the broad light of noon. As originally recommended by North Carolina and Virginia, it was restrained to the *freeman*. Its language was, "No *freeman* ought to be deprived of his life, *liberty*, or property, but by the law of the land.'" In rejecting this limitation, the authors of the amendment revealed their purpose, that no person, under the National Government, of whatever character, shall be deprived of liberty without due process of law; that is, without due presentment, indictment, or other judicial proceedings. Here by this Amendment is an express guaranty of Personal Liberty, and an express prohibition against its invasion anywhere, at least within the national jurisdiction.

Sir, apply these principles, and Slavery will again be as when Washington took his first oath as President. The Union Flag of the Republic will become once more the flag of Freedom, and at all points

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within the national jurisdiction will refuse to cover a slave. Beneath its beneficent folds, wherever it is carried, on land or sea, Slavery will disappear, like darkness under the arrows of the ascending sun—like the Spirit of Evil before the Angel of the Lord.

In all national territories Slavery will be impossible.

On the high seas, under the national flag, Slavery will be impossible.

In the District of Columbia Slavery will instantly cease.

Inspired by these principles, Congress can give no sanction to Slavery by the admission of new Slave States.

Nowhere under the Constitution, can the Nation, by legislation or otherwise, support Slavery, hunt slaves, or hold property in man.

Such, sir, are my sincere convictions. According to the Constitution, as I understand it, in the light of the Past and of its true principles, there is no other conclusion which is rational or tenable; which does not defy the authoritative rules of interpretation; which does not falsify indisputable facts of history; which does not affront the public opinion in which it had its birth; and which does not dishonour the memory of the Fathers. And yet these convictions are now placed under formal ban by politicians of the hour. The generous sentiments which filled the early patriots, and which impressed upon the Government they founded, as upon the coin they circulated, the image and superscription of LIBERTY, have lost their power. The slave-masters, few in number, amounting to about 300,000, according to the recent census, have succeeded in dictating the policy of the National Government, and have written SLAVERY on its front. And now an arrogant and unrelenting ostracism is applied, not only to all who express themselves against Slavery, but to every man who is unwilling to be the menial of Slavery. A novel test for office is introduced, which would have excluded all the Fathers of the Republic—even Washington, Jefferson, and Franklin! Yes, sir. Startling it may be; but indisputable. Could these revered demigods of history once again descend upon earth, and mingle in our affairs, not one of them could receive a nomination from the National Convention of either of the two old political parties! Out of the convictions of their hearts and the utterances of their lips against Slavery they would be condemned.

This single fact reveals the extent to which the National Government has departed from its true course and its great examples. For myself, I know no better aim under the Constitution than to bring the Government back to the precise position on this question which it occupied on the auspicious morning of its first organization under Washington;

Cursus iterare
Relictos;

that the sentiments of the Fathers may again prevail with our rulers, and that the National Flag may nowhere shelter Slavery.

To such as count this aspiration unreasonable, let me commend a renowned and life-giving precedent of English history. As early as the days of Queen Elizabeth, a courtier had boasted that the air of England was too pure for a slave to breathe, and the common law was said to forbid Slavery. And yet in the face of this vaunt, kindred to that of our Fathers, and so truly honourable, slaves were introduced from the West Indies. The custom of Slavery gradually prevailed. Its positive legality was affirmed, in professional opinions, by two eminent lawyers, Talbot and Yorke, each afterwards Lord Chancellor. It was also affirmed on the bench by the latter as Lord Harwicke. England was already a Slave State. The following advertisement, copied from a London newspaper, the *Public Advertiser*, of Nov. 23d, 1769, shews that the journals there were disfigured as some of ours, even in the District of Columbia:

"To be sold, a black girl, the property of J. B., eleven years of age, who is extremely handy, works at her needle tolerably, and speaks English perfectly well; is of an excellent temper and willing disposition. Enquire of her Owner at the Angel Inn, behind St. Clement's Church, in the Strand."

At last, only three years after this advertisement, in 1772, the single question of the legality of Slavery was presented to Lord Mansfield, on a writ of *Habeas Corpus*. A poor negro, named Somersett, brought to England as a slave, became ill, and, with an inhumanity disgraceful even to Slavery, was turned adrift upon the world. Through the charity of an estimable man, the eminent Abolitionist, Granville Sharpe, he was restored to health, when his unfeeling and avaricious master again claimed him as a bondman. The claim was repelled. After an elaborate and protracted discussion in Westminster Hall, marked by rare learning and ability, Lord Mansfield, with discreditable reluctance, sullying his great judicial name, but in trembling obedience to the genius of the British Constitution, pronounced a decree which made the early boast a practical verity, and rendered Slavery forever impossible in England. More than fifteen thousand persons, at that time held as slaves in English air—four times as many as are now found in this District—stepped forth in the happiness and dignity of freemen.

With this guiding example let us not despair. The time will yet come when the boast of our Fathers will be made a practical verity also, and Court or Congress, in the spirit of this British judgment, will proudly declare that nowhere under the Constitution can man hold property in man. For the Republic, such a decree will be the way of peace and safety. As Slavery is banished from the national jurisdiction, it will cease to vex our national politics. It may linger in the States as a local institution; but it will no longer engender national animosities, when it no longer demands national support.

II. From this general review of the relations of the National Government to Slavery, I pass to the consideration of the TRUE NATURE OF THE PROVISION FOR THE SURRENDER OF FUGITIVES FROM LABOUR, embracing an examination of this provision in the Constitution, and especially of the recent act of Congress in pursuance thereof. And here, as I begin this discussion, let me bespeak anew your candour. Not in prejudice, but in the light of history and of reason, let us consider this subject. The way will then be easy and the conclusion certain.

Much error arises from the exaggerated importance now attached to this provision, and from the assumptions with regard to its origin and primitive character. It is often asserted that it was suggested by some special difficulty, which had become practically and extensively felt, anterior to the Constitution. But this is one of the myths or fables with which the supporters of Slavery have surrounded their false god. In the Articles of Confederation, while provision is made for the surrender of fugitive criminals, nothing is said of fugitive slaves or servants; and there is no evidence in any quarter, until after the National Convention, of any hardship or solicitude on this account. No previous voice was heard to express desire for any provision on the subject. The story to the contrary is a modern fiction.

I put aside as equally fabulous the common saying that this provision was one of the original compromises of the Constitution and an essential condition of Union. Though sanctioned by eminent judicial opinions, it will be found that this statement has been hastily made, without any support in the records of the Convention, the only authentic evidence of the compromises; nor will it be easy to find any authority for it in any contemporary document, speech, published letter or pamphlet of any kind. It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate; but this was not of them.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate. There was another compromise finally carried, under threats from the South, *on the motion of a New England member*, by which the Slave States were allowed Representatives according to the whole number of free persons, and "three-fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political power has been constant, and, at this moment, sends twenty-one members to the other House.

There was a third compromise, which cannot be mentioned without shame. It was that hateful bargain by which Congress were restrained until 1808 from the prohibition of the foreign slave trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent of an absolute restraint on Congress. John Rutledge said: "If the Convention thinks North Carolina, South Carolina, and Georgia, will ever agree to this plan [the Federal Constitution] unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest." Charles Pinckney said: "South Carolina can never receive the plan [of the Constitution] if it prohibits the slave trade." Chas. Cotesworth Pinckney "thought himself bound to declare candidly that he did not think South Carolina would stop her importation of slaves in any short time." The effrontery of the slaveholders was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the Convention, in his contemporary address to the Legislature of Maryland, has described the compromise. "I found," he says, "that the Eastern members, notwithstanding their aversion to Slavery, were very willing to indulge the Southern States, at least with a temporary liberty to prosecute the slave trade, *provided the Southern States would in their turn gratify them, by laying no restriction on navigation acts*." The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day, Congress branded the slave trade as piracy, and thus, by solemn legislative act, adjudged this compromise to be felonious and wicked.

Such are the three chief original compromises of the Constitution and essential conditions of Union. The case of fugitives from labour is not of these. During the Convention, it was not in any way associated with these. Nor is there any evidence, from the records of this body, that the provision on this subject was regarded with any peculiar interest. As its absence from the Articles of Confederation had not been the occasion of solicitude or desire, anterior to the National Convention, so it did not enter into any of the original plans of the Constitution. It was introduced at a late period of the Convention, and with very little and most casual discussion, adopted. A few facts will show how unfounded are the recent assumptions.

The National Convention was convoked to meet at Philadelphia on the second Monday in May, 1787. Several members appeared at this time; but a majority of the States not being represented, those present adjourned from day to day until the 25th, when the Convention was organized by the choice of George Washington, as President. On the 28th, a few brief rules and orders were adopted. On the next day they commenced their great work.

On this day Edmund Randolph, of slaveholding Virginia, laid before the Convention a series of sixteen resolutions, containing his plan for the establishment of a new National Government. Here was no allusion to fugitive slaves.

On the same day, Charles Pinckney, of slaveholding South Carolina, laid before the Convention what is called "a draft of a Federal Government, to be agreed upon between the free and independent States of America," an elaborate paper, marked by considerable minuteness of detail. Here are provisions, borrowed from the Articles of Confederation, securing to citizens of each State equal privileges in the several States; giving faith to the public records of the States; and ordaining the surrender of fugitives from justice. But this draft, though from the flaming guardian of the slave interest, contained no allusion to fugitive slaves.

In the course of the Convention, other plans were brought forward; on the 15th of June, a series of eleven propositions by Mr. Patterson, of New Jersey, "so as to render the Federal Constitution adequate to the exigencies of Government, and the preservation of the Union;" on the 18th of June, eleven propositions by Mr. Hamilton, of New York, "containing his ideas of a suitable plan of Government for the United States;" and on the 19th June, Mr. Randolph's resolutions, originally offered on the 29th May, "as altered, amended, and agreed to in Committee of the Whole House." On the 26th, twenty-three resolutions, already adopted on different days in the Convention, were referred to a "Committee of Detail," to be reduced to the form of a Constitution On the 6th August, this committee reported the finished draft of a Constitution And yet in all these resolutions, plans and drafts, *seven* in number, proceeding from eminent members and from able committees, no allusion was made to fugitive slaves. For three months the Convention was in session, and not a word uttered on this subject.

At last, on the 28th August, as the Convention was drawing to a close, on the consideration of the article providing for the privileges of citizens in different States, we meet the first reference to this matter, in words worthy of note: "Gen. [Charles Cotesworth] Pinckney was not satisfied with it. He SEEMED to wish some provision should be included in favour of property in slaves." But he made no proposition. Unwilling to shock the Convention, and uncertain in his own mind, he only *seemed* to wish such a provision. In this vague expression of a vague desire this idea first appeared. In this modest, hesitating phrase is the germ of the audacious, unhesitating Slave Act. Here is the little vapour, which has since swollen, as in the Arabian tale, to the power and dimensions of a giant. The next article under discussion provided for the surrender of fugitives from justice. Mr. Butler and Mr Charles Pinckney, both from South Carolina, now moved openly to require "fugitive slaves and servants to be delivered up like criminals." Here was no disguise. With Hamlet it was now said in spirit—

Seems, madam, nay, it is; I know not *seems*.

But the very boldness of the effort drew attention and opposition. Mr. Wilson, of Pennsylvania, at once objected: "This would oblige the Executive of the State to do it at the public expense." Mr. Sherman, of Connecticut, "saw no more propriety in the public seizing and surrendering a slave or servant than a horse" Under the pressure of these objections, the offensive proposition was quietly withdrawn. The article for the surrender of criminals was then adopted. On the next day, August 20th, profiting by the suggestions already made, Mr. Butler moved a proposition—substantially like that now found in the Constitution—not directly for the surrender of "fugitive slaves," as originally proposed, but of "fugitives from service or labour," which, without debate or opposition of any kind, was unanimously adopted.

The provision, which showed itself thus tardily and was so slightly noticed in the National Convention, was neglected in much of the contemporaneous discussion before the people. In the Conventions of South Carolina, North Carolina, and Virginia, it was commended as securing important rights, though on this point there [illegible] difference of opinion. In the Virginia Convention, an eminent character, Mr. George Mason, with others, expressly declared that there was "no security of property coming within this section." In the other Conventions it was disregarded. Massachusetts, while exhibiting peculiar sensitiveness at any responsibility for Slavery, seemed to view it with unconcern The Federalist (No. 42), in its classification of the powers of Congress, describes and groups a large number as those "which provide for the harmony and proper intercourse among the States," and therein speaks of the power over public records, standing next in the Constitution to the provision on fugitives from labour; but it fails to recognise the latter among the means of promoting that "harmony and proper intercourse;" nor does it anywhere allude to the provision.

The indifference which had thus far attended this subject still continued. The earliest act of Congress, passed in 1793, drew little attention. It was not originally suggested by any difficulty or anxiety touching fugitives from labour; nor is there any record of the times, in debate or otherwise, showing that any special importance was attached to its provisions in this regard. The attention of Congress had been directed to fugitives from justice, and, with little deliberation, it undertook in the same bill to provide for both classes of cases. In this accidental manner was legislation on the subject first attempted.

There is no evidence that fugitives were often seized under this act. From a competent inquirer we learn that twenty-six years elapsed before a single slave was surrendered under it in any Free State. It is certain that, in a case at Boston, towards the close of the last century, illustrated by Josiah Quincy as counsel, the crowd about the magistrate at the examination quietly and spontaneously opened a way for the fugitive, and thus the Act failed to be executed. It is also certain that, in Vermont, at the beginning of the century, a Judge of the Supreme Court of this State, on application for the surrender of an alleged slave, accompanied by documentary evidence, refused to comply, *unless the master could show a Bill of Sale from the Almighty*. But even these cases passed without public comment.

In 1801, the subject was introduced into the House of Representatives by an effort for another Act, which, on consideration, was rejected. At a later day, in 1817-'18, though still disregarded by the country, it seemed to excite a short-lived interest in Congress. A bill to provide more effectually "for reclaiming servants and slaves, escaping from one State into another," was introduced into the House of Representatives by Mr. Pindall, of Virginia, was considered for several days in Committee of the Whole, amended and passed by this body. In the Senate, after much attention and warm debate, it was also passed with amendments. But on its return to the House for the adoption of the amendments, it was dropped. This effort, which, in the discussions of this subject, has thus far been unnoticed, is chiefly remarkable as the earliest recorded evidence of the unwarrantable assertion, now so common, that this provision was originally of vital importance to the peace and harmony of the country.

At last, in 1850, we have another Act, passed by both Houses of Congress and approved by the President, familiarly known as the Fugitive Slave Bill. As I read this statute I am filled with painful emotions. The masterly subtlety with which it is drawn might challenge admiration if exerted for a benevolent purpose; but in an age of sensibility and refinement, a machine of torture, however skilful and apt, cannot be regarded without horror. Sir, in the name of the Constitution which it violates; of my country which it dishonours; of Humanity which it degrades; of Christianity which it offends, I arraign this enactment, and now hold it up to the judgement of the Senate and the world. Again I shrink from no responsibility. I may seem to stand alone; but all the patriots and martyrs of history, all the Fathers of the Republic, are with me. Sir, there is no attribute of God which does not unite against this Act.

But I am to regard it now chiefly as an infringement of the Constitution. And here its outrages, flagrant as manifold, assume the deepest dye and broadest character only when we consider that by its language it is not restrained to any special race or class, to the African or to the person with African blood; but that any inhabitant of the United States, of whatever complexion or condition, may be its victim. Without discrimination of colour even, and in violation of every presumption of freedom, the Act surrenders all, who may be claimed as "owing service or labour" to the same tyrannical proceedings. If there be any, whose sympathies are not moved for the slave, who do not cherish the rights of the humble African, struggling for divine Freedom, as warmly as the rights of the white man, let him consider well that the rights of all are equally assailed. "Nephew," said Algernon Sydney in prison, on the night before his execution, "I value not my own life a chip, but what concerns me is that *the law* which takes away my life may hang every one of you, whenever it is thought convenient."

Though thus comprehensive in its provisions and applicable to all, there is no safeguard of Human Freedom which it does not set at naught.

It commits this great question—than which none is more sacred in the law—not to a solemn trial; but to summary proceedings.

It commits this question—not to one of the high tribunals of the land—but to the unaided judgment of a single petty magistrate.

It commits this question to a magistrate, appointed, not by the President with the consent of the Senate, but by the Court; holding his office, not during good behaviour, but merely during the will of the Court, and receiving not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavits, without the sanction of cross-examination.

It denies the writ of Habeas Corpus, ever known as the Palladium of the citizen.

Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back "at the public expense."

Adding meanness to the violation of the Constitution, it bribes the Commissioner by a double fee to pronounce against Freedom. If he dooms a man to Slavery, the reward is ten dollars; but, saving him to Freedom, his dole is five dollars

The Constitution expressly secures the "free exercise of religion;" but this Act visits with unrelenting penalties the faithful men and women, who may render to the fugitive that countenance, succour, and shelter, which in their conscience "religion" seems to require.

As it is for the public weal that there should be an end of suits, so by the consent of civilized nations, these must be instituted within fixed limitations of time; but this Act, exalting Slavery above even this practical principle of universal justice, ordains proceedings against Freedom without any reference to lapse of time

Glancing only at these points, and not stopping for argument, vindication, or illustration, I come at once upon the two chief radical objections to this Act, identical in principle with those brought by our Fathers against the British Stamp Act; *first*, that it is a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, *secondly*, that it takes away Trial by Jury in a question of Personal Liberty and a suit at common law. Either of these objections, if sustained, strikes at the very root of the Act. That it is obnoxious to both seems beyond doubt.

But here, at this stage, I encounter the difficulty, that these objections have been already foreclosed by the legislation of Congress and by the decisons of the Supreme Court; that as early as 1793 Congress assumed power over this subject by an Act, which failed to secure Trial by Jury, and that the validity of this Act under the Constitution has been affirmed by the Supreme Court. On examination this difficulty will disappear.

The Act of 1793 proceeded from a Congress that had already recognised the United States Bank, chartered by a previous Congress, which, though sanctioned by the Supreme Court, has been since in high quarters pronounced unconstitutional. If it erred as to the Bank, it may have erred also as to fugitives from labour. But the very Act contains a capital error on this very subject, so declared by the Supreme Court in pretending to vest a portion of the judicial power of the Nation in State officers This error takes from the Act all authority as an interpretation of the Constitution. I dismiss it.

The decisions of the Supreme Court are entitled to great consideration, and will not be mentioned by me except with respect. Among the memories of my youth are happy days in which I sat at the feet of this tribunal, while MARSHALL presided, with STORY by his side. The pressure now proceeds from the case of *Prigg* vs. *Pennsylvania* (16 Peters, 539), wherein the power of Congress over this matter is asserted. Without going into any minute criticism of this judgment, or considering the extent to which it is extra-judicial, and therefore of no binding force, all which has been already done at the bar in one State, and by an able court in another; but conceding to it a certain degree of weight as a rule to the judiciary on this particular point, still it does not touch the grave question arising from the denial of Trial by Jury. This judgment was pronounced by Mr. Justice Story. From the interesting biography of this great jurist, recently published by his son, we derive the distinct statement that the necessity of Trial by Jury was not before the Court; so that, in the estimation of the judge himself, it was still an open question. Here are the words:

"One prevailing opinion, which has created great prejudice against this judgment, is, that it denies the right of a person claimed as a fugitive from service or labour to a trial by jury. This mistake arises from supposing the case to involve the general question as to the constitutionality of the Act of 1793. But in fact no such question was in the case; and the argument that the Act of 1793 was unconstitutional, because it did not provide for a trial by jury according to the requisitions of the sixth article in the amendments to the Constitution, having been suggested to my father on his return from Washington, he replied that this question was not argued by counsel nor considered by the Court, and that he should still consider it an open one."

But whatever may be the influence of this judgment as a rule to the judiciary, it cannot arrest our duty as legislators. And here I adopt with entire assent the language of President Jackson, in his memorable Veto, in 1832, of the Bank of the United States. To his [illegible] authority of the Supreme Court, and this is his reply:

"If the opinion of the Supreme Court covers the whole ground of this Act, it ought not to control the co-ordinate authorities of this Government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution, which may be presented to them for passage or approval, as it is of the Supreme Judges when it may be brought before them for judicial decision. The authority of the Supreme Court must not therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

With these authoritative words of Andrew Jackson I dismiss this topic. The early legislation of Congress and the decisions of the Supreme Court cannot stand in our way. I advance to the argument.

(1.) *Now, first, of the power of Congress over this subject.*

The Constitution contains *powers* granted to Congress, *compacts* between the States, and *prohibitions* addressed to the Nation and to the States. A compact or prohibition may be accompanied by a power; but not necessarily, for it is essentially distinct in its nature. And here the single question arises, whether the Constitution, by grant, general or special, confers upon Congress any power to legislate on the subject of fugitives from labour.

The whole legislative power of Congress is derived from two sources; first from the general grant of power, attached to the long catalogue of powers, "to make all laws which shall be necessary and proper for the carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof;" and secondly, from special grants in other parts of the Constitution. As the provision in question does not appear in the catalogue of powers and does not purport to vest any power in the Government of the United States, or in any department or officer thereof, no power to legislate on this subject can be derived from the general grant. Nor can any such power be derived from any special grant in any other part of the Constitution; for none such exists. The conclusion must be, that no power is delegated to Congress over the surrender of fugitives from labour.

In all contemporary discussions and comments, the Constitution was constantly justified and recommended, on the ground that the powers not given to the Government were withheld from it. If under its original provisions any doubt could have existed on this head, it was removed, so far as language could remove it, by the Tenth Amendment, which, as we have already seen, expressly declares that, "the powers *not delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully or to the people." Here on the simple text of the Constitution I might leave this question. But its importance justifies a more extended examination in a two-fold light; *first*, in the history of the Convention, revealing the unmistakeable intention of its members; and *secondly*, in the true principles of our Political System, by which the powers of the Nation and of the States are respectively guarded.

Look first at the *history of the Convention*. The articles of the old Confederation, adopted by the Continental Congress 15th Nov., 1777, though containing no reference to fugitives from labour, had provisions substantially like those in our present Constitution, touching the privileges of citizens in the several States, the surrender of fugitives from justice and the credit due to the public records of States. But, since the Confederation had no powers not "expressly delegated," and as no power was delegated to legislate on these matters, they were nothing more than articles of treaty or compact. Afterwards at the National Convention, these three provisions found a place in the first reported draft of a Constitution, and they were arranged in the very order which they occupied in the Articles of Confederation. *The clause relating to public records stood last*. Mark this fact.

When this clause, being in form merely a *compact*, came up for consideration in the Convention, various efforts were made to graft upon it a *power*. This was on the very day of the adoption of the clause relating to fugitives from labour. Charles Pinckney moved to commit it with a proposition for a *power* to establish uniform laws on the subject of bankruptcy and foreign bills of exchange. Mr. Madison was in favour of a *power* for the execution of judgments in other States. Governeur Morris also on the same day moved to commit a further proposition for a *power* "to determine the proof and effect of such acts, records, and proceedings." Amidst all these efforts to associate a power with this compact, it is clear that nobody supposed any such already existed. This narrative places the views of the Convention beyond question.

The compact regarding public records, together with these various propositions, was referred to a committee, on which were Mr. Randolph and Mr. Wilson, with John Rutledge, of South Carolina, as chairman. After several days, they reported the compact with a *power* in Congress to prescribe by general laws the manner in which such records shall be proved. A discussion ensued, in which Mr. Randolph complained that the "definition of the powers of the Government was so loose as to give it opportunities of usurping all the State powers. *He was for not going further than the report, which enables the Legislature to provide for the effect of judgments.*" The clause of compact with the power attached was then adopted, and is now a part of the Constitution In presence of this solicitude for the preservation of "State powers," even while considering a proposition for an express power, and also of the distinct statement of Mr. Randolph, that he "was not for going further than the report," it is evident that the idea could not then have occurred that a power was coupled with the naked clause of compact on fugitives from labour.

At a later day, the various clauses and articles severally adopted from time to time in Convention were referred to a committee of revision and arrangement, that they might be reduced to form as a connected whole. *Here another change was made.* The clause relating to public records, with the power attached, was taken from its original place at the bottom of the clauses of compact, and promoted to stand first in the article, as a distinct section, while the other clauses of compact, concerning citizens, fugitives from justice and fugitives from labour, each and all without any power attached, by a natural association compose but a single section, thus:

"ARTICLE IV.

"SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

"SECTION 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

"No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

"SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

"SECTION 4. The United States shall guarrantee to every State in this Union a republican form of Government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence."

Here is the whole article. It will be observed that the third section immediately following the third section of compacts, contains two specific powers, one with regard to new States, and the other with regard to the Public Treasury. These are naturally grouped together, while the fourth section of this same article, which is distinct in its character, is placed by itself. In the absence of all specific information, reason alone can determine why this arrangement was made. But the conclusion is obvious, that, in the view of the Committee and of the Convention, each of these sections differs from the others. The first contains a compact with a grant of power. The second contains provisions, all of which are simple compacts, and two of which were confessedly simple compacts in the old Articles of Cenfederation, from which, unchanged in letter or spirit, they were borrowed. The third is a two-fold grant of power to Congress, without any compact. The fourth is neither power nor compact merely, nor both united, but a solemn injunction upon the National Government to perform an important duty.

The framers of the Constitution were wise and careful men, who had a reason for what they did and who understood the language which they employed. They did not, after discussion, incorporate into their work any superfluous provision; nor did they without design adopt the peculiar arrangement in which it appears. In adding to to the record compact the express grant of power, they testified not only their desire for such power in Congress; but their conviction, that without an express grant, it would not exist. But if an express grant was necessary in this case, it was equally necessary in all the other cases. *Expressum facit cessare tacitum.* Especially, in view of its odious character, was it necessary in the case of fugitives from labour. In abstaining from any such grant, and then, in grouping the bare compact with other similar compacts, separate from every grant of power, they have most significantly testified their purpose. They not only decline all addition of any such power to the compact, but to render misapprehension impossible, to make assurance doubly sure, to exclude any contrary conclusion, they punctiliously arrange the clauses, on the principle of *noscitur a sociis*, so as to distinguish all the grants of power, but especially to make the new grants of power, in the case of public records, stand forth in the front by itself, severed from the mere naked compacts with which it was originally associated.

Thus the records of the Convention show that the founders understood the necessity of *powers* in certain cases, and, on consideration, most jealously granted them. A closing example will strengthen the argument. Congress is expressly empowered "*to establish an uniform rule of* Naturalization, and *uniform laws* on the subject of Bankruptcies, *throughout the United States*." Without this provision these two subjects would have been within the control of the States, the Nation having no power *to establish an uniform rule* thereupon. Now, instead of the existing compact on fugitives from labour, it would have been easy, had any such desire prevailed, to add this case to the clause on Naturalization and Bankruptcies, and to empower Congress TO ESTABLISH AN UNIFORM RULE FOR THE SURRENDER OF FUGITIVES FROM LABOUR THROUGHOUT THE UNITED STATES. Then, of course, whenever Congress undertook to exercise the power, all State control of the subject would have been superseded. The National Government would have been constituted, like Nimrod, the mighty Hunter, with power to gather the huntsmen, to halloo the pack, and to direct the chase of men, ranging at will, without regard to boundaries of jurisdictions, throughout all the States. But no person in the Convention, not one of the reckless partizans of Slavery, was so audacious as to make this proposition. Had it been distinctly made, it would have been distinctly denied.

The fact that the provision on this subject was adopted unanimously, while showing the little importance attached to it *in the shape it finally assumed*, testifies also that it could not have been regarded *as a source of National power over Slavery:* It will be remembered, that, among the members of the Convention, were Gouverneur Morris, who had said, that he "*never* would concur in upholding domestic Slavery;" Elbridge Gerry, who thought "we ought to be careful NOT *to give any sanction to it;*" Roger M. Sherman, who was OPPOSED to any clause "acknowledging men to be property;" and Mr. Madison, who "thought it WRONG to admit in the Constitution the idea that there could be property in man." In the face of these unequivocal statements, it is absurd to suppose that they consented *unanimously* to any provision by which the National Government, the work of their hands, dedicated to Freedom, could be made the most offensive instrument of Slavery.

Thus much for the evidence from the history of the Convention. But the *true principles of our Political System* are in harmony with this conclusion of history; and here let me say a word of State Rights.

It was the purpose of our fathers to create a National Government and to endow it with adequate powers. They had known the perils of imbecility, discord, and confusion, during the uncertain days of the Confederation, and desired a Government which should be a true bond of Union and an efficient organ of the national interests at home and abroad. But while fashioning this agency, they fully recognised the Governments of the States. To the nation were delegated high powers, essential to the national interests, but specific in character and limited in number. To the States and to the people were reserved the powers, general in character and unlimited in number, not delegated to the Nation or prohibited to the States.

The integrity of our Political System depends upon harmony in the operations of the Nation and of the States. While the Nation within its wide orbit is supreme, the States move with equal supremacy in their own. But from the necessity of the case the supremacy of each in its proper place excludes the other. The Nation cannot exercise rights reserved to the States; nor can the States interfere with the powers of the Nation. Any such action on either side is a usurpation. These principles were distinctly declared by Mr. Jefferson, in 1798, in words often adopted since; and which must find acceptance from all parties:

"That the several States composing the United States of America are not united upon the principle of unlimited submission to the General Government; but that by compact, under the style and title of the Constitution of the United States and of the amendments thereto, they constituted a General Government for the special purposes, *delegated to that Government certain definite powers*, reserving each State to itself, the residuary mass of right to their own self-government, and that *wheresoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force*."

But I have already amply shown to-day that Slavery is in no respect national—that it is not within the sphere of national activity—that it has no "positive" support in the Constitution, and that any interpretation thereof inconsistent with this principle would be abhorrent to the sentiments of its founders. Slavery is a local institution, peculiar to the States and under the guardianship of State Rights. It is impossible, without violence, at once to the spirit and to the letter of the Constitution, to attribute to Congress any power to legislate, either for its abolition in the States or its support anywhere. *Non-Intervention* is the rule prescribed to the Nation. Regarding the question only in its more general aspects, and putting aside, for the moment, the perfect evidence from the records of the Convention, it is palpable that there is no *national fountain* out of which the existing Slave Act can be derived.

But this Act is not only an unwarrantable assumption of power by the Nation; it is also an infraction of rights reserved to the States. Everywhere within their borders the States are the peculiar guardians of *personal liberty*. By Jury and Habeas Corpus to save the citizen harmless against all assault is among their duties and rights. To his State the citizen when oppressed may appeal, nor should he find that appeal denied. But this Act despoils him of his rights and despoils his State of all power to protect him. It subjects him to the wretched chances of false oaths, forged papers, and facile commissioners, and takes from him every safeguard. Now, if the slaveholder has a right to be secure *at home* in the enjoyment of *Slavery*, so also has the freeman of the North—and every person there is presumed to be a freeman—and equal right to be secure *at home* in the enjoyment of *Freedom*. The same principle of State Rights by which Slavery is protected in the Slave States throws its impenetrable shield over Freedom in the Free States. And here, let me say, is the only security for Slavery in the Slave States as for Freedom in the Free States. In the present fatal overthrow of State Rights you teach a lesson which may return to plague the teacher. Compelling the National Government to stretch its Briarean arms into the Free States, for the sake of Slavery, you show openly how it may stretch these same hundred giant arms into the Slave States for the sake of Freedom. This lesson was not taught by our fathers.

And here I end this branch of the question The true principles of our Political System, the history of the National Convention, the natural interpretation of the Convention, all teach that this Act is a usurpation by Congress of powers that do not belong to it, and an infraction of rights secured to the States. It is a sword, whose handle is at the National Capital, and whose point is everywhere in the States. A weapon so terrible to Personal Liberty the Nation has no power to grasp

(2.) *And now of the denial of Trial by Jury.* Admitting, for the moment, that Congress is intrusted [illegible] power over this subject, which truth disowns, still [illegible] Act is again radically unconstitutional from its de[illegible] of Trial by Jury in a question of Personal Liberty and a suit at common law. Since on the one side there is a claim of property, and on the other of liberty, both property and liberty are involved in the issue. To this claim on either side is attached Trial by Jury.

To me, sir, regarding this matter in the light of the common law and in the blaze of free institutions, it has always seemed impossible to arrive at any other conclusion. If the language of the Constitution were open to doubt, which it is not, still all the presumptions of law, all the leanings for Freedom, all the suggestions of justice, plead angel-tongued for this right. Nobody doubts that Congress, if it legislates on this matter, *may* allow a Trial by Jury. But if it *may*, so overwhelming is the claim of Justice, it MUST. Beyond this, however, the question is determined by the precise letter of the Constitution.

Several expressions in the provision for the surrender of fugitives from labour show the essential character of the proceedings. In the first place, the person must be, not merely *charged*, as in the case of fugitives from justice, but actually *held to labour* in the State from which he escaped. In the second place he must be "delivered up on claim of the party to whom such labour is *due*." These two facts, that he was *held* to labour, and that his labour was *due* to his claimant, are directly placed in issue and must be proved. Two necessary incidents of the delivery may also be observed. First, it must be made in the State where the fugitive is found; and, secondly, it restores to the claimant his complete control over the person of the fugitive. From these circumstances it is evident that the proceedings cannot be regarded, in any just sense, as preliminary, or ancillary to some future formal trial, but as complete in themselves, final and conclusive.

And these proceedings determine on the one side the question of property, and on the other the sacred question of Personal Liberty in its most transcendent form; not merely Liberty for a day or a year, but for life, and the Liberty of generations that shall come after, so long as Slavery endures. To these questions, the Constitution, by two specific provisions, attaches the Trial by Jury. One of these is the familiar clause, already adduced: "No *person* shall be deprived of life, *liberty*, or property, *without due process of law*;" that is, without due proceedings at law, with trial by Jury. Not stopping to dwell on this, I press at once to the other provision, which is still more express: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of Trial by Jury shall be preserved." This clause, which was not in the original Constitution, was suggested by the very spirit of Freedom. At the close of the National Convention, Elbridge Gerry refused to sign the Constitution, because among other things, it established "a tribunal *without juries*, a Star Chamber as to civil cases." Many united in his opposition, and on the recommendation of the First Congress this additional safeguard was adopted as an amendment.

Now, regarding the question as one of property, or of Personal Liberty, in either alternative the Trial by Jury is secured. For this position authority is ample. In the debate on the Fugitive Slave Bill of 1817-'18, a Senator from South Carolina, Mr. Smith, anxious for the asserted right of property, objected, on this very floor, to a reference of the question, under the writ of Habeas Corpus, to a judge without a jury. Speaking solely for property, these were his words:

"This would give the Judge the sole power of deciding *the right of property the master claims in his slaves, instead of trying that right by a jury, as prescribed by the Constitution.* He would be judge of matters of law and matters of fact; clothed with all the powers of a court. Such a principle is unknown in your system of jurisprudence. *Your constitution has forbid it.* It preserves the right of Trial by Jury in all cases where the value in controversy exceeds twenty dollars." (Debates in *National Intelligencer*, June 15, 1818.)

But this provision has been repeatedly discussed by the Supreme Court, so that its meaning is not open to doubt. Three conditions are necessary. *First*, the proceedings must be "a suit;" *secondly*, "at common law;" and *thirdly*, "where the value in controversy exceeds twenty dollars." In every such case "the right of Trial by Jury *shall* be preserved." The decisions of the Supreme Court expressly touch each of these points.

First. In the case of *Cohens* vs. *Virginia* (6 Wheaton, 407), the Court say, "What is *a suit?* We understand it to be the prosecution of some *claim*, demand, or request." Of course, then, the "claim" for a fugitive must be "a suit."

Secondly. In the case of *Parsons* vs. *Bedford* (3 Peters, 455), while considering this very clause, the Court say: "By *common law* is meant not merely suits which the common law recognised among its old and settled proceedings, but suits in which *legal rights* were to be ascertained and determined. In a just sense, the amendment may well be construed to embrace all suits, which are not of Equity or Admiralty jurisdiction, *whatever may be the peculiar form which they may assume to settle legal rights*." Now, since the claim for a fugitive is not a suit in Equity or Admiralty, but a suit to settle what are called legal rights, it must, of course, be "a suit at common law."

Thirdly. In the case of *Lee* vs. *Lee* (8 Peters, 44), on a question whether "the value in controversy" was "one thousand dollars and upwards," it was objected that the appelants, who were petitioners for Freedom, were not of the value of one thousand dollars. But the Court said: "The matter in dispute is the Freedom of the petitioners. *This is not susceptible of pecuniary valuation.* No doubt is entertained of the jurisdiction of the Court." Of course, then, since liberty is above price, the claim to any fugitive always and necessarily presumes that "the value in controversy exceeds twenty dollars.

By these successive steps, sustained by decisions of the highest tribunal, it appears, as in a diagram, that the right of Trial by Jury is secured to the fugitive from labour.

This conclusion needs no further authority; but it may receive curious illustration from the ancient records of the common law, so familiar and dear to the framers of the Constisution. It is said by Mr. Burke, in his magnificent speech on Conciliation with America, that "nearly as many of Blackstone's Commentaries were sold in America as in England," carrying thither the knowledge of those vital principles of Freedom, which were the boast of the British Constitution. Imbued by these, the earliest Continental Congress, in 1774, declared, "that the respective Colonies are entitled to the common law of England, and especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law." Thus, amidst the troubles which heralded the Revolution, the common law was claimed by our fathers as a birthright.

Now although the common law may not be approached as a source of jurisdiction under the National Constitution—and on this point I do not dwell—*it is clear that it may be employed in determining the meaning of technical terms in the Constitution borrowed from this law.* This, indeed, is expressly sanctioned by Mr. Madison, in his celebrated report of 1799, while restraining the extent to which the common law may be employed. Thus by this law we learn the nature of *Trial by Jury*, which, though secured, is not described by the Constitution; also of *Bills of Attainder*, the *Writ of Habeas Corpus*, and *Impeachment*, all technical terms of the Constitution borrowed from the common law. By this law, and its associate Chancery, we learn what are *cases in law and equity* to which the judicial power of the United States is extended. These instances I adduce merely by way of example. Of course also in the same way we learn what in reality are *suits at common law*.

Now, on principle and authority, *a claim for the delivery of a fugitive slave is a suit at common law*, and is embraced naturally and necessarily in this class of judicial proceedings. This proposition can be placed beyond question.

History painfully records that during the early days of the common law, and down even to a late period, a system of Slavery existed in England, known under the name of *villainage*. The slave was generally called a *villain*, though, in the original Latin forms of judicial proceedings, *nativus*, implying Slavery by birth. The incidents of this condition have been minutely described, and also the mutual remedies of master and slave, all of which were regulated by the common law. Slaves sometimes then, as now, *escaped* from their masters. The claim for them after such *escape* was prosecuted by a "suit at common law," to which, as to every suit at common law, the Trial by Jury was necessarily attached. Blackstone, in his Commentaries (Vol. II, p. 93), in words which must have been known to all the lawyers of the Convention, said of *villains:* "They could not leave their lord without his permission, but *if they ran away*, or were purloined from him, *might be* CLAIMED *and recovered by* ACTION, *like beasts or other cattle*." This very word "action" of itself implies "a suit at common law" with Trial by Jury.

From other sources we learn precisely what the *action* was. That great expounder of the ancient law, Mr. Hargrave, says, "the Year Books and Books of Entries are full of the forms used in pleading a title to villains." Though no longer of practical value in England, they remain as monuments of jurisprudence, and as mementoes of a barbarous institution. He thus describes the remedy of the master at common law:

"The lord's remedy for a fugitive villain was, either by seizure or by sueing out a writ of Nativo Habendo, or Neifty, as it is sometimes called. If the lord seized, the villain's most effectual mode of recovering liberty was by the writ of Homine Replegiando, which had great advantage over the writ of Habeas Corpus. In the Habeas Corpus the return cannot be contested by pleading against the truth of it, and consequently on a Habeas Corpus the question of liberty cannot go to a jury for trial. But in the Homine Replegiando it was otherwise. The plaintiff, on the defendant's pleading villainage, had the same opportunity of contesting it, as when impleaded by the lord in a Nativo Habendo. If the lord sued out a Nativo Habendo, and the villainage was denied, in which case the sheriff could not seize the villain, the lord was then to enter his plaint in the county court, and as the sheriff was not allowed to try the question of villainage in his court, the lord could not have any benefit from the writ, without removing the cause by the writ of Pone into the King's Bench or Common Pleas."—(20 Howell's State Trials, 38 note.)

The authority of Mr. Hargrave is sufficient. But I desire to place this matter beyone all cavil. From the [illegible]st of Lord Chief Baron Comyns, which, at the [illegible]tion of the constitution, was one of the classics of [illegible] jurisprudence, I derive another description of the remedy of the master:

"If the lord claims an inheritance in his villain, who flies from his lord against his will, and lives in a place out of the manor, to which he is regardant, the lord shall have Nativo Habendo. And upon such writ, directed to the sheriff, he may seize him who does not deny himself to be a villain. But if the defendant say that he is a Free Man, the sheriff cannot seize him, but the lord must remove the writ by Pone before the Justices in Eire, or in C. B., where he must count upon it." (Comyns' Digest—Villainage, C. 1.)

An early writer of peculiar authority, Fitzherbert, in his *Natura Brevium*, on the writs of the common law, thus describes these proceedings:

"The writ de Nativo Habendo lieth for the lord who claimeth inheritance in any villain, when his villain is run from him, and is remaining within any place out of the manor unto which he is regardant, or when he departeth from his lord against the lord's will; and the writ shall be directed to the sheriff. And the sheriff may seize the villain, and deliver him unto his lord, if the villain confess unto the sheriff that he is a villain; but if the villain say to the sheriff that he is frank, then it seemeth that the sheriff ought not to seize him; as it is in a replevin, if the defendant claim property, the sheriff cannot replevy the cattle, but the party ought to sue a writ de Proprietate Probanda; and so if the villain say that he is a freeman, &c., then the sheriff ought not to seize him, but then the lord ought to sue a Pone to remove the plea before the justices of the Common Pleas, or before the justices in eyre. But if the villain purchase a writ de Libertate Probanda before the lord hath sued the Pone to remove the plea before the justices, then that writ of Libertate Probanda is a Supersedeas unto the lord, that he proceed not upon the writ Nativo Habendo till the eyre of the justices, and that the lord ought not to seize the villain in the mean time."—(Vol. 1, p. 76.)

The forms, writs, counts, pleadings, and judgments, in these suits, are all preserved among the precedents of the common law. The writs are known as original writs which the party on either side, at the proper stage, could sue out of right without showing cause. The writ of *Libertate Probanda* for a fugitive slave was in this form:

"*Libertate Probanda.*

"The king to the sheriff, &c. A. and B. her sister, have showed unto us, that whereas they are free women, and ready to prove their liberty, F. claiming them to be his niefs unjustly, vexes them; and therefore we command you, that if the aforesaid A. and B. shall make you secure touching the proving of their liberty, then put that plea before our justices at the first assizes, when they shall come into those parts, because proof of this kind belongeth not to you to take; and in the mean time cause the said A and B. to have peace thereupon, and tell the aforesaid F. that he may be there, if he will, to prosecute his plea thereof against the aforesaid A. and B.. And have there this writ. Witness, &c." (Fitzherbert, Vol I, p. 77.)

By these various proceedings, all ending in Trial by Jury, Personal Liberty was guarded, even in the early, unrefined, and barbarous days of the common law. Any person claimed as a fugitive slave might invoke this Trial as a sacred right. Whether the master proceeded by seizure, as he might, or by legal process, the Trial by Jury in a suit at common law, before one of the high courts of the realm, was equally secured. In the case of seizure, the fugitive, reversing the proceedings, might institute process against his master and appeal to a court and jury. In the case of process by the master, the watchful law secured to the fugitive the same protection. By no urgency of force, by no device of process, could any person claimed as a slave be defrauded of this Trial. Such was the common law. If its early boast, that there could be no slaves in England, fails to be true, this at least may be its pride, that, according to its indisputable principles, the Liberty of every man was placed under the guard of Trial by Jury.

These things may seem new to us; but they must have been known to the members of the Convention, particularly to those from South Carolina, through whose influence the provision on this subject was adopted. Charles Cotesworth Pinckney and Mr. Rutledge had studied law at the Temple, one of the English Inns of Court. It would be a discredit to them, and also to other learned lawyers, members of the Convention, to suppose that they were not conversant with the principles and precedents directly applicable to this subject, all of which are set down in works of acknowledged weight, and at that time of constant professional study. Only a short time before, in the case of *Somersett*, they had been most elaborately examined in Westminster Hall. In a forensic effort of unsurpassed learning and elevation, which of itself vindicates for its author his great judicial name, Mr. Hargrave had fully made them known to such as were little acquainted with the more ancient sources. But even if we could suppose them unknown to the lawyers of the Convention, they are none the less applicable in determining the true meaning of the Constitution.

The conclusion from this examination is explicit. Clearly and indisputably, in England, the country of the common law, a claim for a fugitive slave was "a suit at common law," recognised "among its old and settled proceedings." To question this, in the face of authentic principles and precedents, would be preposterous. As well might it be questioned, that a writ of replevin for a horse, or a writ of right for land, was "a suit at common law." It follows, then, that this *technical term* of the Constitution, read in the illumination of the common law, naturally and necessarily embraces proceedings for the recovery of fugitive slaves, if any such be instituted or allowed under the Constitution. And thus, by the letter of the Constitution, in harmony with the requirements of the common law, all such persons, when claimed by their masters, are entitled to a Trial by Jury.

Such, sir, is the argument, briefly uttered, against the constitutionality of the Slave Act. Much more I might say on this matter; much more on the two chief grounds of objection which I have occupied. But I am admonished to hasten on.

Opposing this act as doubly unconstitutional from a denial of Trial by Jury, I find myself again encouraged by the example of our Revolutionary Fathers, in a case which is one of the landmarks of history. The parallel is important and complete. In 1765, the British Parliament, by a notorious statute, attempted to draw money from the colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated—not to the courts of common law—but to courts of Admirality without a jury. The Stamp Act, now execrated by all lovers of liberty, had this extent and no more. Its passage was the signal for a general flame of opposition and indignation throughout the Colonies. It was denounced as contrary to the British Constitution on two principal grounds; *first*, as a usurpation by Parliament of powers not belonging to it, and an infraction of rights secured to the Colonies; and *secondly*, as a denial of Trial by Jury in certain cases of property.

The public feeling was variously expressed. At Boston, on the arrival of the stamps, the shops were closed, the bells of the churches tolled, and the flags of the ships hung at half-mast. At Portsmouth, in New Hampshire, the bells were tolled, and notice given to the friends of Liberty to hold themselves in readiness to attend her funeral. At New York a letter was received from Franklin, then in London, written on the day after the passage of the Act, in which he said: "The sun of liberty is set." The obnoxious Act, headed "Folly of England and Ruin of America," was contemptuously hawked through the streets. The merchants of New York, inspired then by Liberty, resolved to import no more goods from England until the repeal of the Act; and their example was followed shortly afterwards by the merchants of Philadelphia and Boston. Bodies of patriots were organized everywhere under the name of "Sons of Liberty." The orators also spoke. James Otis with fiery tongue appealed to Magna Charta.

Of all the States, Virginia—whose shield bears the image of Liberty trampling upon chains—first declared herself by solemn resolutions, which the timid thought "treasonable;" but which soon found a response. New York followed. Massachusetts came next, speaking by the pen of the inflexible Samuel Adams. In an Address from the Legislature to the Governor, the true grounds of opposition to the Stamp Act, coincident with the two radical objections to the Slave Act, are clearly set forth:

"You are pleased to say that the Stamp Act is an act of Parliament, and as such ought to be observed. This House, sir, has too great reverence for the Supreme Legislature of the nation, to question its just authority. It by no means appertains to us to presume to adjust the boundaries of the power of Parliament; but boundaries there undoubtedly are. We hope we may, without offence, put your Excellency in mind of that most grievous sentence of excommunication solemnly denounced by the Church in the name of the sacred Trinity, in the presence of King Henry the Third and the estates of the realm, against all those who should make statutes OR OBSERVE THEM, BEING MADE, contrary to the liberties of Magna Charta. The Charter of this province invests the General Assembly with the power of making laws for its internal government and taxation; and this Charter has never been forfeited. The Parliament has a right to make all laws within the limits of their own constitution." * * * "The people complain that the Act vests a single judge of Admirality with a power to try and determine their property in controversies arising from internal concerns without a jury, contrary to the very expression of Magna Charta, that no freeman shall be amerced, but by the oath of good and lawful men of the vicinage." * * * "We deeply regret that the Parliament has seen fit to pass such an act as the Stamp Act; we flatter ourselves that the hardships of it will shortly appear to them in such a light, as shall induce them in their wisdom to repeal it; in the mean time, we must beg your Excellency to excuse us from doing anything to assist in the execution of it."

☞ *CONTINUED ON PAGE IV.*

National Anti-Slavery Standard.

*** *All communications for the paper, and letters relating to its pecuniary concerns should be addressed to* SYDNEY HOWARD GAY, *New-York.*

†‡† *Donations to the Treasury of the* AMERICAN ANTI-SLAVERY SOCIETY *may be forwarded to* FRANCIS JACKSON, *Treasurer, at Boston; or to* SYDNEY HOWARD GAY, *New-York.*

NEW YORK, THURSDAY, SEPTEMBER 9, 1852.

LETTER FROM REV. S. J MAY.

ELGIN ASSOCIATION, BUXTON—WM. [illegible]

SYRACUSE, August 31, 1852.

MR. EDITOR—Although I devoted so long a letter last week to the Elgin Association, and Rev. William King, I have yet more to say about them—more that I think you and your readers will be glad to hear.

There are in the township ninety families, comprising about four hundred souls. Most of the adults were once slaves; about a third of the population have recently come out of the house of bondage. All of them have come to Buxton since the fall of 1849, at which time the town was covered with a thick, primitive forest, excepting along the military road, which intersected it. Now, nearly every one of these families is doing well. Some of them are in very comfortable circumstances. Two or three have been hindered by sickness. All of them have paid their first instalment for their farms ($12 50). All who have been there more than a year have paid their second instalment. Several have nearly or quite paid the whole price. Each farm contains fifty acres.

All who have been there six months, have good, substantial log houses, twenty-four feet long, eighteen feet wide, twelve feet high. Around most of their houses are lots of land, from half an acre to two acres, cleared and fenced, and planted with corn, potatoes, and other vegetables. This year, all of them who have been there twelve months, will raise provisions sufficient for their own families; and they can have employment enough, from the farmers and mechanics of the adjoining towns, to supply all their other wants and pay, at least, their annual instalment if not more.

It has been the policy of the Elgin Association to assume that every man (unless disabled by sickness) can support himself and his family, and that he ought so to do. They repudiate the giving of anything to healthy able-bodied men and women, excepting a fair chance, good advice, cordial encouragement. Mr. King has refused all offers of food and clothing from distant friends. I think I was told that he had returned several boxes that had been sent there. He tells all who would settle in Buxton, that "they must trust to God, and their own right arms." If sick, or disabled by an accident, they will, of course, be assisted by the brotherly kindness of their neighbours. If well, they ought, of course, to maintain themselves and their families.

The result, thus far, of this policy is to be seen in the spirit of industry and frugality everywhere apparent. This spirit has begotten or perpetuated habits of temperance and general sobriety. Mr. King assured me that there had not been, from the beginning, one instance of intoxication in the whole town. And so far from any one of the settlers in Buxton having been found guilty of any crime, not one had been accused of a misdemeanour or trespass. They had lived peaceably among themselves and peaceably with their neighbours. The white farmers of the contiguous towns instead of being anxious, as they once said they were, to sell out and remove, are now more than willing to remain. The price of land has risen. A farm that, a year and a half ago, was offered to Mr. King for $1,400, he could not buy, the day that I was there, for $1,800. The Government of Buxton—so much of it as there is—is in the hands of Committees chosen annually by the people. They see that the laws of the country are not violated, and that the By-Laws of the Association are obeyed. Undoubtedly the personal influence of Mr. King has great weight with this whole people. He is a sort of Patriarch among them. Fifteen of their number were once his slaves, and were in the habit of looking up to him with deference, as their master. All of them know how much he has hitherto done, and is now sacrificing for their improvement and elevation. This, of course, binds them to him by the ties of gratitude. Then he is a practically wise man; has generally given them advice that has proved to be sound. He knows how things should be done, and he infuses into them the spirit of enterprise.

You may have noticed that I said, in my last letter, that none were admitted into the Association unless they brought certificates of good moral character. That is true, and Mr. King insists that such precaution is indispensably necessary to the success of his undertaking. If all should be admitted who might come, whether they were temperate or intemperate, industrious or indolent, honest or dishonest, the management of the institution might fall into the hands of bad men, or be so seriously impeded by such men, that it could not succeed, even under the conduct of the best. So soon as the foundations of their community are securely laid, and a strong conservative moral influence is established, they may safely be less particular in the examination of candidates; they may be even willing to admit persons known to be bad, in the hope of reforming them. But, in the outset of such a social enterprise, they must look well to the characters of the constituents.

I took my leave of Mr. King with feelings of gratitude to him for being willing to devote himself to such an experiment, for the improvement of the condition of a people that have been so long and so sorely oppressed, plundered, persecuted by the Christian nations of the earth, and with joy that his endeavours have met with so much encouragement.

I brought with me to Chatham, a very intelligent woman, lately a slave in Missouri, from whom I gathered many interesting particulars, respecting the settlers of Buxton, that have given colouring to my narrative. She too had fled from Missouri, not because she had been subjected to much personal abuse in the estate of Slavery, but because she could no longer brook the estate itself. This fact, which I have alluded to before, is to me very encouraging. "A *happy* slave," said Burke, "must be a most *degraded* man." There is little to be hoped of a people who will remain contentedly in Slavery, if they can only be pretty well fed and clothed, and housed, and not severely whipped. But much may be expected of those who would not endure to be in bondage though they might fare sumptuously every day, and be clothed in purple and fine linen.

> "What is life?
> 'Tis not to stalk about, and draw fresh air
> From time to time, or gaze upon the sun;
> '*Tis to be free*."

The fugitives in Canada are *living* more than they ever lived before. They are thrown upon their own resources; they are actuated by a greater variety of motives; they feel the might of those who are dependent upon them; they are animated by a great sentiment; they are aiming at a high object. A rapid development of excellent characters may be looked for in such circumstances.

I have no patience with persons who argue the folly of those who run away from Slavery because they incur great hardships and have to endure many privations. Such reasoners prove this, atleast, by their argument, that they themselves know not the value of liberty. Their reasoning, if it deserves to be so called, would condemn the enterprise of the Puritan ancestors of New England, and of the generation that achieved the independence of our country.

The emigration of our coloured population to Canada deserves to be classed with the coming of the Puritans to the wilderness of America. The latter exiles were scarcely less despised and persecuted in their day than the former are in ours. They sought essentially the same boon, and were animated by the same spirit. And that man is very presumptuous who dares to say, that as great results may not come from the one as have come from the other enterprise.

The coloured population in Canada has already attained some importance numerically and politically considered. It is said there are thirty thousand in that country, settled principally in that part of the province which is West of Kingston. If there be not so many there at this moment, there soon will be a greater number, for the tide of emigration sets strongly towards those shores. It is much better for those of our coloured people, the free and the enslaved, who cannot remain longer within our borders—it is much better for them to go to Canada West than anywhere else. The facilities for getting there are much greater than to Liberia or Jamaica. The climate is quite as congenial as in either of those countries, and the soil is as good as reasonable men can desire. There are many thousand acres unoccupied, and for sale at a price which the poorest man can pay, if he be temperate, industrious and frugal. Employment for labourers, at fair prices, is now abundant, and it will increase rather than diminish. And coloured men may have it pretty much to themselves, for neither the Irish nor the German emigrants are inclined to settle in the British provinces so much as in the United States. The coloured people are a very much more provident people than the Irish, and therefore will sooner get rich out of the same employment.

The stories that have been circulated in our country about the sufferings of the fugitives in Canada, I am satisfied were greatly exaggerated. They were devised, I suspect, partly by those who wished to deter the enslaved from attempting to reach that free soil, and partly by self-appointed agents for the collection of funds to relieve the suffering. Undoubtedly, there have been some cases of extreme destitution. How could it have been otherwise, where so many were driven penniless from our country, in the Fall and Winter? In and around St. Catherine's, there has probably been more extreme suffering than anywhere else, because, that being the place most easily reached, a larger number of the exiles have gone there than could immediately find employment. But in all that part of Canada which I have just visited, the fugitives, with few exceptions, I was assured by many witnesses, were able, almost immediately on their arrival, to find shelters, and to get employment.

I would not, by these statements, lessen the willingness of any of the benevolent to give to the assistance of our exiled countrymen; but I would have them so dispose of their gifts as to effect the greatest good. Now that the panic caused by the Fugitive Slave Law is over, there will be more deliberation in the removals that shall be made to Canada. Still, there will be not a few cases where more contributions of clothing and food are demanded. These ought to be provided for. And the most effectual provision can be made by those who become cognizant of such cases, and are therefore called upon to give them *their personal attention.* But it would be well if there could be deposits of clothing and food (made by the benevolent who are not themselves liable to be called on), in the hands of suitable persons, in such places as Syracuse, Oswego, Rochester, Buffalo and Detroit on this side, and in St. Catherine's, Hamilton and Toronto on the other side of the line that separates the land of Freedom from the land of Slavery. Such deposits would often furnish an amount of relief, undoubtedly needed, which individual bounty could not afford.

But what is more needed by the new settlers in Canada than food and clothing for the body, is food and clothing for the mind. After they have been there a little while, if they are industrious and tolerably frugal, they can get enough to eat, drink and wear. But they have now, and will have for several years, perhaps, but little, if anything, to spare for the maintenance of schools and the support of religious teachers. If thoroughly good instuctors of the young, and wise, pious ministers of the Gospel, can be obtained and established, and supported for a few years, in their midst, I have not a doubt that we should receive a return, for all that would be thus expended, far greater than usually is repaid to those who contribute to any foreign missions.

I saw two worthy men, Mr. Kinkland and Mr. McArthur, who seemed willing to devote themselves assiduously to the true welfare of these people. Mr. Kirkland in particular seemed to be a man of the right spirit for such an enterprise. I also visited a school in Windsor, kept by Miss Shad, an intelligent and active young woman, who, if she continues to be well sustained, and provided with the proper apparatus, will, I have no doubt, lead on her pupils to the acquisition of the rudiments of much useful knowledge.

There, too, is Mrs. Bibb, of Sandwich, who, I know, is well qualified to teach. If she could be appointed to a school in Sandwich, and, for five years, receive $250 annually, she would be able as she is willing to devote herself to the instruction of fifty or sixty pupils, and to defray incidental expenses, that the parents of the children might not provide for.

I have much more to say; but, unless called out by inquiries from those who may be interested in the welfare of the fugitives in Canada, I may not think it advisable to occupy your columns any further at present.

Yours truly, SAMUEL J. MAY.

LETTER EROM SYRACUSE.

SYRACUSE, September 6, 1852.

DEAR GAY: The City of Conventions has again become busy. It will, therefore, I suppose, be in order for me to communicate to you for the *Standard*, a report behind the scenes, which will be more difficult for you to obtain, yet more valuable in fact, than the one already before the public. For in politics as in the prophets imagery, there are wheels in wheels, the intricate motions of which are not perceived, yet are of the last importance.

The "harmonious," "unterrified" Democracy began to make their appearance at this their annual gathering on Tuesday afternoon. Gov. Marcy, Comptroller Wright, Fred. Follett, Attorney General Chatfield, as well as a swarm of office seekers and lobby members, came in to assist the 128 delegates proper in the duties of their session. Beds and brandy were in great demand.

At 12 o'clock on Wednesday the throng were convened in the City Hall, the old Hunkers on the South, and the young Hunkers on the North side. The old ones then nominated and placed in the chair a comical old gentleman, a Mr. Bristol, of Tioga; the young Democrats appointed a nice-looking man, named Lapham, of Ontario. Both the Chairmen were conducted to the stand, and cheers, yells, and other demonstrations indulged in, such as are known only in the Pandemonium and at Democratic Conventions.

The two Chairmen then offered to submit their claims to the will of the majority of the Convention, which done, Mr. Bristol was elected. Lapham gave in with a good grace. Your city was represented as usual by two delegates from almost all the districts. The most conspicuous ones were Capt. Rynders, Mr. Shepard and John Van Buren. These three gentlemen waived their right to vote on the preliminary organisation, but very significantly asserted their rights to seats. Isaiah said that if every Democratic vote in his district had been cast for him, he could not have been returned. Prince John remarked that his district was of such political shade, there generally being 1300 Federal majority in it, it would need two representatives. It could thus ride and tie

The afternoon and next morning were set apart to decide contested seats. The Committees to examine credentials, were all largely Hard-shell Hunker, and, as a result, the Hunkers were all confirmed, and the Barnburners put out. John came in just after his own seat was decided upon; seeing what had been done, he requested to speak. "Too late," was the general response. He requested a reconsideration, which was refused, and he left the Hall.

Capt. Rynders was so generous as to withdraw his claim. The Convention thereupon passed a vote of thanks to him for valuable service. He remained, however, till Friday, addressing the Democrats on the side-walks and in the bar rooms, and for ought we know, in places unnameable.

On Thursday afternoon came the struggle for selecting candidates. Mr. Schell, of your city, was named first, and a sketch of his character and claims presented. Horatio Seymour was then nominated by a St. Lawrence Barnburner. John C. Mather was killed by Auditor Newell's *exposé*, and was not proposed. Erastus Corning was also named; several others were nominated, probably for the purpose of letting the Convention know that there were such men in existence. The name of Zaddock Pratt was received with a roar of laughter. Not at all disturbed, the friend gave a sketch of his life, his wealth, his solvency, honourable deeds, and that he possessed the virtues and merits of the other candidates combined. The roars of laughter became so loud that the President, Mr. Stevens, was compelled to appeal, "Gentlemen, I beg you to keep order; you are losing a very valuable biography." On the first ballot, Seymour was ahead, Schell next, Corning next, G. W. Clinton next, and the rest were out of sight. On the second ballot, Mr. Seymour received 69 votes, and was nominated with great enthusiasm.

Your New York delegation then expressed their wish that Mr. Schell should be nominated Lieutenant Governor. But the rural districts now had the upperhand, and gave the post of honour to Lieutenant Governor Church. This was too much, the Hard-shells expressed their dissatisfaction quite intelligibly. The nomination of Seymour was a fair defeat, and they submitted with a good grace; but Church, a Barnburner, and an extreme radical, was too much. "Go on with your caucus nomination!" was the shout from the South side. But the Convention adjourned till evening. The Hards declared that the Rurals must carry the nominations themselves. The disgust was emphatically expressed. Marcy declared that the ticket would be defeated.

In the evening, amid a host of candidates greedy for spoils, Fred. Follet was nominated Canal Commissioner, and Doctor Clark, Street Inspector. A second adjournment was now had, after which an Electoral Ticket was made out. Phineas Grant, of Oswego, reported a string of resolutions, which placed the New York Democracy on the Baltimore Platform, whereupon the Convention, Barnburners and Hunkers, immediately adopted them. Not a feeble Free Soil voice demurred. There was, there is no Free Soil in the Democratic party.

The Convention adjourned at 11 o'clock. Capt. Rynders continued his barroom harrangues some hours later, to the great jollification of his audience. Some of us suppose that your Inspectors of that district sent him up here on purpose to play a trick on him. Is it so?

On Friday, the Free Democracy held a ratification meeting. Gerrit Smith and S. P. Chase were announced in the programme, but did not attend. This assemblage also met in the City Hall. Dr. Soule, who vends pills, said to be from the same receipt as Brandreth's and Wright's, was President of that body. Mr. Pepper, of Albany, gave quite an animated address. Mr. Charles A. Wheaton, not Horace Wheaton his brother, whom the verdant New York Democrats would not vote for, because they thought him and Charles the same man—Charles, I repeat, gave a report from the Pittsburg Convention. Gen. Henry Wilson, of Massachusetts, then followed in an eloquent address, in which he stated the issues of the party, and showed up the inconsistencies of the New York Barnburners. "The men of New York," said he, "who stood with us on the shores of Lake Erie, and pledged with us eternal hostility against Slavery, now support Gen. Pierce, who adopts the Baltimore Platform; not because the party placed themselves upon it, but because it contains his long cherished sentiments." I will send you a report of this speech.

In the evening the meeting again commenced. James C. Jackson, the eclectic water cure doctor gave a regular Abolition speech. Frederick Douglass, who is always popular with a Syracuse audience, then followed. Neither of these speakers could forget that he was an Abolitionist. This may be consistent, but it is not politic. If Abolitionists are determined to vote for Hale, that is enough. But if votes are to be obtained, and a drunken Irishman, or stupid German is as good as the best saint, sagacity indicates that the masses should be addressed by motives to which they are impressible. The Pittsburg Platform is well adapted to thousands who are only prepared to take the issue that Slavery is sectional and Freedom national. Gen. Wilson could obtain ten votes where Dr. Jackson could get one. In a moral sense, Jackson might be the best; in politics, Wilson certainly is superior.

General Wilson made another speech in the evening. It was in a great measure the recapitulation of that of the afternoon. He made quite a humourous allusion to Mr. Van Buren. The men of the East were old fashioned Calvinists, and believed in sudden and miraculous conversions. They had accepted Mr. Van Buren, in 1848, with serious misgivings. Antecedents were against him. But imbued with their favourite theology, they had hopes of him, that, once converted, *he would never be finally lost.* The Free Democracy of New York, aside from him, had done much to confirm them in that tenet.

It is talked of to nominate Gerrit Smith, of Madison, and Mr. Wheaton, or Sedgwick, of Onondaga, for Congress, and there are strong hopes of electing them. We can, of course, but hope such a result; but the day of boasting has not come.

The National Liberty Party Convention was held at Canastota, on the 1st and 2d instant. The great topic of discussion then was, whether to vote for Hale or nominate a ticket. Mr. Goodell, from the Business Committe, reported against the Pittsburg Party; and Mr. Smith favourably to it. The report of Mr. Goodell was voted down by 13 majority; that of Mr. Smith adopted by 33 majority. Mr. Goodell and his friends bolted, went over to the Free Church, adopted Mr. Goodell's report, and wound up by nominating a ticket. For President, Wm. Goodell. For Vice-President, Charles C. Foote.

The 1st of October is set apart to celebrate the anniversary of the Jerry rescue. The new Hall in Mr. Wheaton's block will then be completed, and dedicated by that assemblage. Kane says that the Hall will be named Jerry Hall. Of these matters, I may keep you advised.

The American Women will have a convention here this week, and arrangements are being made to lionize the matter. Miss Antoinette Brown has been preaching here already. It is said that a certain Presbytery refused her ordination. They were possibly right, and certainly prudent. But sister Antoinette has Scripture on her side. "I commend to you Phebe, our sister, who is *diakonos* or minister of the church at Cenchrea." "Every woman, praying or prophesying." I know that somewhat crusty apostle, Paul, would not let woman teach; but he was compelled to let them pray and prophesy as well as minister, which functions were certainly of a higher grade. However, these things must all work out, you know.

The Whig Convention will meet on the 2nd. Roorback manufacture will be immediately raised 40 per cent. on that occasion. The party of progress and the party of decency will be pitted then in right earnest. Is it not an amusing circumstance that the *Standard*, a Barnburner organ, and the *Journal*, the Seward organ, should be the standard party papers here, in preference to rabid Compromise sheets? And to see them both thrust up to dry and expectorate on Baltimore Platforms is comical. But what is still more so is the fact that the *Syracuse Star*, the most ultra Silver Grey paper in the State, holds the overseer's whip over them both, so that they dare not, editorially, tell a manly truth. They are whist as whipped dogs in this contest.

Did you ever hear that Daniel Webster wrote a large portion of the address summoning the Worcester Free Soil Convention in 1848, which called the one at Buffalo? That Daniel hoped to be the candidate of that party, and never declared for Gen. Taylor till the nomination was given to that immaculate patriot, Martin Van Buren? That that disappointment rankled in his bosom, and induced his defection in 1849, and his sycophantic, abandoned, soulless advocacy of the infernal Compromises of 1850?

Gen. Wilson, by the way, laid the infamous Fugitive Law and the Baltimore Platforms at the door of the Barnburners. He demanded here, if the accursed union of 1849 had not taken place, who dreams that those measures would have been adopted.

But I am drawn out as long as your printers will have patience to follow, and will conclude. The events of the campaign indicate just now the ascendency of the Scott party. But the whole question is on the turn of the dice, and it is impossible to predict with certainty. The issue is this: Scott, a Democratic Congress, and half of Mexico—and Pierce, with Mexico, Cuba and the Sandwich Islands. We can judge neither faction by professions. The future must be measured by the past. The Swedenborgian, R. K. Crabb, of Virginia, in his desire to conjoin truth with good, prefers Pierce as the very best Pro-Slavery Northern man existing. Barnburners urge his election as a Free Soil gain, so with the other party. The unprincipled features of the contest are disguised by their ridiculousness. More anon. Yours, PHI.

LETTER FROM PARKER PILLSBURY.

SALEM, Ohio, 24th August, 1852.

DEAR FRIEND GAY: With such correspondents as the *Standard* has on both sides of the water, it must be only condescension on your part to admit a letter of mine. It seems to me the letters of your Boston and Dublin Correspondents alone should make the paper one of the most widely circulated in the country. But as you have sometimes slipped me in between them, perhaps you will be inclined to do so again.

It has been, for the last two or three years, my extreme good fortune to spend the autumn here in Ohio, and I have often reported this as one of the most promising fields of labour we have to cultivate. And it seems to me the American Anti-Slavery Society does well to bestow some attention upon it every year. It has a few, though but a few, able and faithful agents and labourers of its own production. These are gallantly holding on to the ground already possessed, besides invading constantly more or less new territory.

And in the present Editor of the *Anti-Slavery Bugle*, we have an auxiliary whose co-operation cannot be prized too highly. He has cheerfully left his own pleasant and beautiful little home in Marlborough, and the few acres of land from which, by his own labour, he drew his support, and come to reside in the smoky, dingy little town of Salem, in one of the most awkward looking and uninviting houses in this whole purgatory of homely houses, in order to devote himself to the interests of the paper, and through it to the cause of humanity. Why the people of the place, many of whom are wealthy, should consent to be huddled together, two or three thousand of them, in so much mud, filth, and rubbish of every kind, is most mysterious. Only one of the streets has anything which can be called a side-walk, without a most daring latitude in the use of language. And then they are clustered with almost every conceivable thing which should not be there. A Philadelphia friend remarked to me just now, as we were walking, that "it looked as though nothing was ever picked up." I told him a good many things had been thrown down, at any rate.

In some places, the flow of sundry sinks and kitchens of most equivocal housewifery ru directly into the main street. In these hot noondays, you will be greeted with all manners and "compounds of villanous smells," as you leap these unbridged estuaries, besides swarms of flies, fattened on the filth into truly aristocratic proportions, that, with a fearful buzz, open to the right and left for your accommodation, as you pass along; and then, too, a most lawless, independent herd of swine wander and bivouac, by day or night, as suits their inclination—independent, however, in little else, for most of them remind you far more of Pharaoh's seven years of famine than the seven of plenty.

It is rumoured that there are excellent gardens in the town, but the stables, styes, and other opaque bodies, almost wholly eclipse them from human gaze.

Except on the main street, what of side-walks there are consist of planks stretched along lenghthwise, frequently only one abreast (as an Irishman would say); and so the people are compelled to walk as is required of prisoners in the Penitentiaries, one after another; and these planks are, many of them, warped as badly as the principles of some political parties; and in many cases, indeed, like those principles, they have entirely disappeared. And it is remarkable with what calm resignation the citizens bear their loss, and submit, year after year, to the bereavement.

And over all, the smoke of the bituminous coal, which is burned in large quantities, has thrown a pall of blackness, which puts the place in becoming mourning, and gives it a truly uninviting appearance, reminding one strongly of what an old resident told me, that every thing was so sooty, from the use of coal, that mothers had always to wash the faces of the children when they had been out, before each could tell her own. I think this is an unwarrantable hyperbole, and cannot endorse it.

In such a place, has the *Anti-Slavery Bugle* been located, and here has its editor come to reside, leaving as pretty and pleasant a little home, twenty miles off, as could be desired.

The region around Salem is fertile and beautiful; and many of the farms are most magnificent. Nature has done bountifully, and only asks a little wise and faithful culture, and this whole vicinity would become one of the very gardens of the world.

We have just closed the tenth Anniversary of the Western Anti-Slavery Society. It was held in the Hicksite Meeting-house, except on Sunday, when the multitude in attendance drove us to the grove. The Hicksite Quakers are extremely honourable and generous in granting us their house without any charge at all, except pay to the persons who are employed to wash it, after we have closed our exercises; and then the hospitality of the people is without bound. Fifty persons are often entertained bountifully, for the whole three days, in houses not as large as the ordinary farm-houses of New York and New England; and then the cheerful heartiness with which everything is done is most honourable to human nature, and a fatal denial to the whole doctrine of Total Depravity.

The official proceedings will tell you about the meeting. Joseph Barker, Oliver Johnson, Jane Elizabeth Jones, and Henry C. Wright, took prominent part in the meetings. Frederick Douglass was also present, to represent and to advocate (though I think to little purpose enough) some kind of political Anti-Slavery. But whether he would have us embrace the theories of the old "Liberty Party," or the very widely different platform of the "Free Democracy," was certainly not at all apparent. My own opinion is, that we shall "compromise" the matter generally, by sticking to Anti-Slavery proper, and letting both alone. At times, when Douglass soared above the mists and murks of politics, he was eloquent in the most superlative degree, and reminded me mournfully of what he once was.

There are some political Abolitionists here at the West, whose virtue is like that of the Roman Empress, "above suspicion." They stand by the Western Society in every trying emergency, and, I trust, would, no matter at what cost to politics or anything else—though as yet they cannot see the propriety and importance of refusing all governmental alliance with the slaveholders of the Southern State; indeed, I think it is only the leaders of any of the political parties in Ohio, who hold back the people from proclaiming at once, No Union with Slaveholders.

The Western Society gives good account of herself this year, as you will see by the interesting Report of the Corresponding Secretary, and also by the proceedings of the Anniversary. You will find the Resolutions adopted are in no ambiguous terms, whatever subjects are embraced in them. And you may be sure no organisation better carries into life and practice its professions and declarations, towards Church or Government, than does the Western Anti-Slavery Society.

Yours and your readers',

PARKER PILLSBURY.

[For the National Anti-Slavery Standard.]

Mr. Sumner's Speech in the Senate—Fresh inspiration of Anti-Slavery—Effect on the Senate—An apology for that body—A 'B'hoy' out of place—Who barked and who was barked at—Disreputable confessions of Mr. Dodge—Modern Terrorists—A Congressional lunch on a favourite article of diet.

AT last Mr. Sumner has spoken—spoken so nobly and bravely, that we feel truly ashamed of our suspicion and impatience at his long delay; spoken all the more effectively for the ruffianly attempt to seal his lips, by his associates, two low in the scale of social refinement to appreciate his courtesy.

Never before it seems to me, were the lips of the Anti-Slavery orators so visibly touched with fire as now. With unity of purpose, and more mutual sympathy and confidence than ever before, with courage only heightened by all the successes of conservatism and despotism, they are thundering upon the ears of this guilty nation the stern rebukes of inflexible Justice, that will sink into the conscience like the very voice of God. Never had good men on earth a nobler cause, and right nobly they are vindicating it. It lends its own inspiration to all who heartily embrace it, and before they are conscious of it they find themselves speaking with the tongues of prophets. The very sceptre of intellectual power seems to have passed from the hands of politicians and partisan stump speakers left visibly with no other inspiration than greed for office, into the hands of the fervid and gifted advocates of Freedom, who may be said to have now the whole field of American politics to themselves.

Not the least brilliant of these recent utterances of the spirit of Freedom is this speech of Charles Sumner, in the National Senate. It will be none the less effective because it is classical, scholarly and adorned with all the graces of the best culture and purest style. Nor are we unwilling to have the rough, almost fierce expressions of honest repugnance, at the unspeakable meanness and cruelty of Slavery, alternated with calm argument, and courteous remonstrance, though we might not ourselves feel sure that upon a similar emergency we could command sufficient self possession to use either.

The speech was not without its effect on the callous politicians of the Senate. When we consider the disciplined meanness with which all the aspirants for so conspicuous a place as the United States Senate must afflict all their early manhood in order to succeed in in their old age, the abnegation of such noble sentiments as may have come to them from the school-house or a traditional religion, the repudiation of all authority higher than the ballot box, the dishonest pretences to confidences they never felt and fears that never alarmed them, the fore-casting cunning that embraces a bad opinion in temporary disrepute, with the assurance that the drift of public sentiment is setting towards it, to say nothing of the more direct appliances of the *bribe* and the *bottle*, which the desperation of the case may sometimes ultimately require; when all this is considered, a person curious in such matters would be advised to prosecute his inquiries elsewhere, for God's best specimens of human nature. It might not, after all, be surprising, that though honourable gentlemen should enter upon their duties with a good coat, and a change of them, and fair ordinary manners, and by no means despicable talents to match, their wardrobe of personal virtues to the eye of a connoisseur might appear disreputably scanty. Then, again, to make this apology complete, it must be stated, that not much less than a dozen of these *ex officio* great men have been anxious candidates for the Presidency, with a view to which they have been for four years, and some even longer, lying in wait and watching, as good Christians watch against their own sins, to see if they could catch themselves so much as *capable* of one noble, just or generous opinion: and if one can unfortunately be found upon their record, denying, like Peter, with cursing and swearing, that they ever belonged to it. An unpromising sphere this for the messenger of unpopular truth, though he were as eloquent as Paul and as classical as Cicero. He upon whom the mission to a set of men so hopelessly far from the kingdom of heaven devolves, is not to be envied.

The first response to our Senator's magnificent speech was certainly characteristic. One Jeremiah Clemens, whose province seems to be to represent or to libel the intelligence of the people of Alabama, characterized the effort as the "barking of a puppy dog and not worth any notice." It is one of the beauties of the complete subversion of our political system to Slavery, that *fellows*, like this, whose manners would exclude them from decent society at the North, by wearing the factitious dignity, of an office which they degrade, can claim from men of genius, integrity and culture, civilities and courtesies which they know as little how to appreciate as to return. It is yet, however, to be shown that a blackguard and a ruffian, if any State fancies to be represented by such, is any the less so because his *billingsgate* can be reported in a hundred newspapers as *debates of the Senate.* Slavery has had its statesmen and *quasi* philosophers, whose sophistries, and subtle deductions gave it a momentary intellectual dignity; but these men seem to have become extinct, the Almighty not continuing to fashion intellects that proved capable of such monstrous distortion. An infinitely lower grade of men now rush to its defence, in a spirit far more germain to the subject.

Mr. Badger, of North Carolina, seemed quite differently affected. He considered the speech worth very copious notice, as most extraordinary, as unpardonably elaborate and learned, as a glaring breach of all due regard to the fixed notions of the American Senate. Other bitter and biting words as they came to hand in his wrath he proceeded to say, and then subsided. The whole Senate seemed to regard it as a very different affair from the barking of a puppy, indeed the comparison was much more opposite to the venom with which they severally bayed the heels of the accomplished orater, whom they supposed they had *driven to cover* for the rest of the session. With the exception of three coadjutors of Mr. Sumner, they hastened one after the other to disclaim all sympathy with such views, as if their reputations for humanity and benevolence were suffering, every moment they permitted their involuntary silence under such grand truths to remain unexplained. Slavery, like a jealous lover, is constantly asking new assurances of devotion. Being assured this among her favourites was a fit occasion for all her admirers to crowd around with fresh protestations of servility.

Among all who on this occasion emerged from the depths of silence to the easy surface of speech, to libel their own humanity and decency, the over-done zeal of Mr. Dodge, of Iowa, is especially noticeable. He took gratuitous occasion to say that "he voted for the Fugitive Slave Bill, and *would vote to increase its stringency if necessary.*" Immaculate patriot and philanthropist! Increase the stringency of the Fugitive Slave Law! Trample more ruthlessly than that cruel statute does upon the Constitution he has sworn to support! Invade more audaciously the jurisdiction of conscience and of God! One trembles to see the edged tools of legislation, which may affect the interests and the lives of millions of men, in the hands of such a maniacal monster. When a man from the highest seats of law promises in this wholesale manner to increase the rigour of enactments, thus exposing to perpetual enslavement at least ten thousand Americans, he declares himself destitute of the first ray of consciousness of his responsibility as a legislator, as a citizen or as a man; destitute of that conservative regard of the rights of the individual, that underlie all positive laws. The very presence of such a man in a body so capable of effecting the welfare of the people, and the destinies of the nation, as the United States Senate, is itself alarming. He is no more capable of being intrusted with a vote on any measure of importance than is a madman to carry a fire-brand through a powder magazine

"*Our revolution is not going on well—will never succeed,*" screamed Murat, and the Terrorists of the Jacobin Club "MORE BLOOD OF ARISTOCRATS, AND MALCONTENTS!" "VIVE LA GUILLOTINE!" "*Our Compromise is not working well—will never succeed,*" yell our modern terrorists. "MORE NEGRO'S BLOOD! MORE RIGOUR TO THE FUGITIVE SLAVE LAW!" These promises of added stringency to the Fugitive Slave Law, however, are responded to by the slaveholders with a contemptuous silence, for they know full well it would task the malignity of the devil to make it more stringent.

Cornered and compelled to listen for three mortal hours and a half to a political Paul reasoning of righteousness and judgment to come, the honourable Senators were afterwards an hungered; whereupon a copious dish of Southern *dirt* was ordered to be handed round, and, after regaling themselves greedily thereupon, they felt themselves as well as ever. T.

Receipts for the Standard.

From July 1st to September 1st, 1852.

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		$138 05

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	$818 00

RECAPITULATION.

Receipts for *Standard*.	$138 05
Donations,	818 00
Total,	$956 05

Woman's Rights.

The National Woman's Rights Convention, held in Worcester, Oct. 22d and 23d, adjourned to meet in Syracuse, Sept. 8th, 9th, 10th, 1852.

The friends of equality, justice and truth, are earnestly invited to assemble there at that time, to discuss the important question of reform technically termed Woman's Rights. We propose not only to review the past, and consider the present, but to mark out new and broader paths for the opening future.

The time has come not merely for the examination and discussion of Woman's social, civil and religious rights, but also for a thorough and efficient organization—a well digested plan of operation, whereby these sacred rights, for which our fathers fought, bled and died, may be secured and enjoyed by us. Let Women no longer supinely endure the evils she may escape, but with her own right hand carve out for herself a higher, nobler destiny than has heretofore been hers. Inasmuch as through the folly and imbecility of Woman the race is what it is, dwarfed in mind and body, and as through her alone it can yet be redeemed, all are equally intended in the objects of this Convention.

We therefore solemnly urge those Men and Women who desire and look for the development and elevation of the race to be present at the Convention, and aid us by the wisdom of their counsels. Our platform will, as ever, be free to all who are capable of discussing the subject with seriousness, candour and truth.

On behalf of the Central Committee,

ELIZABETH C. STANTON, PAULINA W. DAVIS,
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Speech of Hon. Charles Sumner.

[*Continued from Page III.*]

Thus in those days spoke Massachusetts! The parallel still proceeds. The unconstitutional Stamp Act was welcomed in the Colonies by the Tories of that day, precisely as the unconstitutional Slave Act has been welcomed by large and imperious numbers among us. Hutchison, at that time Lieutenant Governor and Judge in Massachusetts, wrote to Ministers in England: "The Stamp Act is received with as much decency as could be expected. It leaves no room for evasion, and will execute itself." Like the judges of our day, in charges to grand juries he resolutely vindicated the Act, and admonished "the jurors and the people" to obey. Like Governors of our day, Bernard, in his speech to the Legislature of Massachusetts, demanded unreasoning submission. "I shall not," says this British Governor, "enter into any disquisition of the policy of this Act. I have only to say it is an act of the Parliament of Great Britain; and I trust that the supremacy of that Parliament over all the members of their wide and diffused empire never was and never will be denied within these walls." Like marshals of our day, the officers of the Customs made "application for a military force to assist them in the execution of their duty." The military were against the people. A British major of artillery at New York exclaimed, in tones not unlike those now sometimes heard: "I will cram the stamps down their throats with the end of my sword." The elaborate answer of Massachusetts—a paper of historic grandeur—drawn by Samuel Adams, was pronounced "the ravings of a parcel of wild enthusiasts."

Thus in those days spoke the partizans of the Stamp Act. But their weakness soon became manifest. In the face of an awakened community, where discussion has free scope, no men, though surrounded by office and wealth, can long sustain injustice. Earth, water, nature, they may subdue; but Truth they cannot subdue. Subtle and mighty, against all efforts and devices, it fills every region of light with its majestic presence. The Stamp Act was discussed and understood. Its violation of constitutional rights was exposed. By resolutions of Legislatures and of town meetings, by speeches and writings, by public assemblies and processions, the country was rallied in peaceful phalanx *against the execution of the Act*. To this great object, within the bounds of law and the constitution, were bent all the patriot energies of the land.

And here Boston took the lead. Her records at this time are full of proud memorials. In formal instructions to her representatives, adopted unanimously, "having been read several times," in Town Meeting at Faneuil Hall, the following rule of conduct was prescribed:

"We, therefore, think it our indispensable duty, in Justice to ourselves and Posterity, as it is our undoubted Privilege, in the most open and unreserved, but decent and respectful Terms, to declare our greatest Dissatisfaction with this Law. *And we think it incumbent upon you by no Means to join in any public Measures for countenancing and assisting in the execution of the same.* But to use your best endeavours in the General Assembly to have the inherent inalienable Rights of the People of this Province asserted and vindicated, and left upon the public record, that Posterity may never have reason to charge the present Times with the Guilt of tamely giving them away."

Virginia responded to Boston. Many of her justices of the peace surrendered their commissions "rather than aid in the enforcement of the law or be instrumental in the overthrow of their country's liberties."

As the opposition deepened, its natural tendency was to outbreak and violence. But this was carefully restrained. On one occasion in Boston it showed itself in the lawlessness of a mob. But the town, at a public meeting in Faneuil Hall, called without delay on the motion of the opponents of the Stamp Act, with James Otis as chairman, condemned the outrage. Eager in hostility to the execution of the Act, Boston cherished municipal order, and constantly discountenanced all tumult, violence, and illegal proceedings. Her equal devotion to these two objects drew the praises and congratulations of other towns. In reply, March 27th, 1776, to an Address from the inhabitants of Plymouth, her own consciousness of duty done is thus expressed:

"If the inhabitants of Boston have taken *the legal and warrantable measures to prevent that misfortune of all others the most to be dreaded, the execution of the Stamp Act*, and as a necessary means of preventing it have made any spirited applications for opening the custom-houses and courts of justice; if *at the same time they have borne their testimony against outrageous tumults and illegal proceedings*, and given any example of the Love of Peace and good order, next to the consciousness of having done their duty is the satisfaction of meeting with the approbation of any of their fellow countrymen."

Learn now from the Diary of John Adams the results of this system:

"The year 1765 has been the most remarkable year of my life. That enormous engine, fabricated by the British Parliament, for battering down all the rights and liberties of America—I mean the Stamp Act—has raised and spread through the whole continent a spirit that will be recorded to our honour with all future generations. In every Colony, from Georgia to New Hampshire inclusively, the stamp distributors and inspectors have been compelled by the unconquerable rage of the people to renounce their offices. Such and so universal has been the resentment of the people, that every man who has dared to speak in favour of the stamps, or to soften the detestation in which they are held, how great soever his abilities and virtues had been esteemed before, or whatever his fortune, connections, and influence had been, has been seen to sink into universal contempt and ignominy."

The Stamp Act became a dead letter. At the meeting of Parliament numerous petitions were presented, calling for its instant repeal. Franklin, at that time in England, while giving his famous testimony before the House of Commons, was asked whether he thought the people of America would submit to the Stamp Act if modified. His emphatic response was: "No, never, unless compelled by force of arms." Chatham, yet weak with disease, but mighty in eloquence, exclaimed in ever memorable words: "We are told America is obstinate—America is almost in open rebellion. Sir, *I rejoice that America has resisted.* Three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. The Americans have been wronged; they have been driven to madness. I will beg leave to tell the House in a few words what is really my opinion. *It is that the Stamp Act be repealed, absolutely, totally, and immediately.*" It was repealed. Within less than a year from its original passage, denounced and discredited, it was driven from the Statute Book. In the charnel-house of history, with the unclean things of the Past, it now rots. Thither the Slave Act is destined to follow.

Sir, regarding the Stamp Act candidly and cautiously, free from the animosities of the time, it is impossible not to see that, though gravely unconstitutional, it was at most an infringement of *civil* liberty only; not of *personal* liberty. There was an unjust tax of a few pence with the chances of amercements by a single judge without a jury; but, by no provision of this Act was the *personal* liberty of any man assailed. Under it no freeman could be seized as a slave. Such an act, though justly obnoxious to every lover of constitutional Liberty, cannot be viewed with the feelings of repugnance, enkindled by a statute, which assails the personal liberty of every man, and under which any freeman can be seized as a slave. Sir, in placing the Stamp Act by the side of the Slave Act, I do injustice to that emanation of British tyranny. Both, indeed, infringe important rights; one of property; the other the vital right of all, which is to other rights as the soul to the body—*the right of a man to himself*. Both are condemned; but their relative condemnation must be measured by their relative characters. As Freedom is more than property; as Man is above the dollar that he earns; as Heaven, to which we all aspire, is higher than the earth, where every accumulation of wealth must ever remain: so are the rights assailed by an American Congress higher than those once assailed by the British Parliament. And just in this degree must history condemn the Slave Act more than the Stamp Act.

Sir, I might here stop. It is enough in this place and on this occasion to show the unconstitutionality of this enactment. Your duty commences at once. All legislation hostile to the fundamental law of the land should be repealed without delay. But the argument is not yet exhausted. Even if this Act could claim any validity or apology under the Constitution, which it cannot, *it lacks that essential support in the Public Conscience of the States, where it is to be enforced, which is the life of a law, and without which any law must become a dead letter.*

The Senator from South Carolina [Mr. Butler] was right, when, at the beginning of the session, he pointedly said that a law which could be enforced only by the bayonet, was no law. Sir, it is idle to suppose that an Act of Congress becomes effective, merely by compliance with the forms of legislation. Something more is necessary. The Act must be in harmony with the prevailing public sentiment of the community upon which it bears. Of course, I do not suggest that the cordial support of every man or of every small locality is necessary; but I do mean that the public feelings, the public convictions, the public conscience, must not be touched, wounded, lacerated by every endeavour to enforce it. With all these it must be so far in harmony, that, like other laws, by which property, liberty, and life, are guarded, it may be administered by the ordinary process of the courts, without jeoparding the public peace or shocking good men. If this be true as a general rule—if the public support and sympathy be essential to the life of all law, this is especially the case in an enactment which concerns the important and sensitive rights of Personal Liberty. In conformity with this principle the Legislature of Massachusetts, by formal resolution, in 1850, with singular unanimity, declared:

"We hold it to be the duty of Congress to pass such laws only in regard thereto as will be maintained by the sentiments of the Free States, where such laws are to be enforced."

The duty of consulting those sentiments was recognised by Washington. While President of the United States, at the close of his Administration, he sought to recover a slave, who had fled to New Hampshire. His autograph letter to Mr. Whipple, the Collector of Portsmouth, dated at Philadelphia, 28th November, 1796, which I now hold in my hand, and which has never before seen the light, after describing the fugitive, and particularly expressing the desire of "her mistress," Mrs. Washington, for her return, employs the following decisive language:

"I do not mean, however, by this request, that such violent measures should be used AS WOULD EXCITE A MOB OR RIOT, WHICH MIGHT BE THE CASE IF SHE HAS ADHERENTS, OR EVEN UNEASY SENSATIONS IN THE MINDS OF WELL-DISPOSED CITIZENS. Rather than either of these should happen, I would forego her services altogether; and the example also, which is of infinite more importance.

"GEORGE WASHINGTON."

Mr. Whipple, in his reply, dated at Portsmouth, December 22, 1796, an autograph copy of which I have, recognises the rule of Washington:

"I will now, sir, agreeably to your desire, send her to Alexandria, *if it be practicable without the consequences which you except—that of exciting a riot or a mob, or creating uneasy sensations in the minds of well-disposed persons.*

The fugitive never was returned; but lived in freedom to a good old age, down to a very recent period, a monument of the just forbearance of him whom we aptly call the Father of his country. It is true that he sought her return. This we must regret, and find its apology. He was at the time a slaveholder. Though often with various degrees of force expressing himself against Slavery, and promising his suffrage for its abolition, he did not see this wrong as he saw it at the close of life, in the illumination of another sphere. From this act of Washington, still swayed by the policy of the world, I appeal to Washington writing his will. From Washington on earth I appeal to Washington in Heaven. Seek not by his name to justify any such effort. His death is above his life. His last testament cancels his authority as a slaveholder. However he may have appeared before man, he came into the presence of God only as the liberator of his slaves. Grateful for this example, I am grateful also, that while a slaveholder, and seeking the return of a fugitive, he has left in permanent record a rule of conduct which, if adopted by his country, will make Slave-Hunting impossible. The chances of a riot or mob, or "even uneasy sensations among well-disposed persons," are to prevent any such pursuit.

Sir, the existing Slave Act cannot be enforced without violating the precept of Washington. Not merely "uneasy sensations of well-disposed persons," but rage, tumult, commotion, mob, riot, violence, death, gush from its fatal overflowing fountains:

——hoc fonte derivata clades
In patriam populumque fluxit.

Not a case occurs without endangering the public peace. Workmen are violently dragged from employments to which they are wedded by years of successful labour; husbands are ravished from wives, and parents from children. Everywhere there is disturbance; at Detroit, Buffalo, Harrisburgh, Syracuse, Philadelphia, New York, Boston. At Buffalo the fugitive was cruelly knocked by a log of wood against a red-hot stove, and his mock trial commenced while the blood still oozed from his wounded head. At Syracuse he was rescued by a sudden mob; so also at Boston. At Harrisburg the fugitive was shot; at Christiana the Slave-Hunter was shot. At New York unprecedented excitement, always with uncertain consequences, has attended every case. Again at Boston a fugitive, according to the received report, was first basely seized under pretext that he was a criminal; arrested only after a deadly struggle; guarded by officers who acted in violation of the laws of the State; tried in a Court House surrounded by chains contrary to the common law; finally surrendered to Slavery by trampling on the criminal process of the State, under an escort in violation again of the laws of the State, while the pulpits trembled and the whole people, not merely "uneasy," but swelling with ill-suppressed indignation, for the sake of order and tranquility, without violence witnessed the shameful catastrophe.

With every attempt to administer the Slave Act, it constantly becomes more revolving, particularly in its influence on the agents it enlists. Pitch cannot be touched without defilement, and all who lend themselves to this work seem at once and unconsciously to lose the better part of man. The spirit of the law passes into them, as the devils entered the swine. Upstart commissioners, the mere mushrooms of courts, vie and revie with each other. Now by indecent speed, now by harshness of manner, now by a denial of evidence, now by crippling the defence, and now by open glaring wrong, they make the odious Act yet more odious. Clemency, grace, and justice, die in its presence. All this is observed by the world. Not a case occurs which does not harrow the souls of good men, and bring tears of sympathy to the eyes, also—those other tears which "patriots shed o'er dying laws."

Sir, I shall speak frankly. If there be an exception to this feeling, it will be found chiefly with a peculiar class. It is a sorry fact that the "mercantile interest," in its unpardonable selfishness, twice in English history, frowned upon the endeavours to suppress the atrocity of Algerine Slavery; that it sought to baffle Wilberforce's great effort for the abolition of the African slave trade; and that, by a sordid compromise, at the formation of our Constitution, it exempted the same detested Heaven-defying traffic from American judgment. And now representatives of this "interest," forgetful that commerce is the child of Freedom, join in hunting the Slave. But the great heart of the people recoils from this enactment. It palpitates for the fugitive, and rejoices in his escape. Sir, I am telling you facts. The literature of the age is all on his side. The songs, more potent than laws, are for him. The poets, with voices of melody, are for Freedom. Who could sing for Slavery? They who make the permanent opinion of the country, who mould our youth, whose words, dropped into the soul, are the germs of character, supplicate for the Slave. And now, sir, behold a new and heavenly ally. A woman, inspired by Christian genius, enters the lists, like another Joan of Arc, and with marvellous power sweeps the chords of the popular heart. Now melting to tears, and now inspiring to rage, her work everywhere touches the conscience, and makes the Slave-Hunter more hateful. In a brief period, nearly 100,000 copies of *Uncle Tom's Cabin* have been already circulated. But this extraordinary and sudden success—surpassing all other instances in the records of literature—cannot be regarded merely as the triumph of genius. Higher far than this, it is the testimony of the people, by an unprecedented act, against the Fugitive Slave Bill.

These things I dwell upon as the incentives and tokens of an existing public sentiment, which renders this Act practically inoperative, except as a tremendous engine of terror. Sir, the sentiment is just. Even in the lands of Slavery, the slave-trader is loathed as an ignoble character, from whom the countenance is turned away; and can the Slave-Hunter be more regarded while pursuing his prey in a land of Freedom? In early Europe, in barbarous days, while Slavery prevailed, a Hunting Master, *nach jagender Herr*, as the Germans called him, was held in aversion. Nor was this all. The fugitive was welcomed in the cities, and protected against the pursuit. Sometimes vengeance awaited the Hunter. Down to this day, at Revel, now a Russian city, a sword is proudly preserved with which a Hunting Baron was beheaded, who, in violation of the municipal rights of this place, seized a fugitive slave. Hostile to this Act as our public sentiment may be, it exhibits no trophy like this. The State laws of Massachusetts have been violated in the seizure of a fugitive slave; but no sword, like that of Revel, now hangs at Boston.

I have said, sir, that this sentiment is just. And is it not? Every escape from Slavery necessarily and instinctively awakens the regard of all who love Freedom. The endeavour, though unsuccessful, reveals courage, manhood, character. No story is read with more interest than that of our own La Fayette, when, aided by a gallant South Carolinian, in defiance of the despotic ordinances of Austria, kindred to our Slave Act, he strove to escape from the bondage of Olmutz. Literature pauses with exultation over the struggles of Cervantes, the great Spaniard, while a slave in Algiers, to regain the liberty for which he says, in his immortal work, "we ought to risk life itself, Slavery being the greatest evil that can fall to the lot of man." Science, in all her manifold triumphs, throbs with pride and delight, that Arago, the astronomer and philosopher—devoted republican also—was redeemed from barbarous Slavery to become one of her greatest sons. Religion rejoices serenely, with joy unspeakable, in the final escape of Vincent de Paul. Exposed in the public square of Tunis to the inspection of the traffickers in human flesh, this illustrious Frenchman was subjected to every vileness of treatment, like a horse, compelled to open his mouth, to show his teeth, to trot, to run, to exhibit his strength in lifting burthens, and then, like a horse, legally sold in market overt. Passing from master to master, after a protracted servitude, he achieved his freedom, and, regaining France, commenced that resplendent career of charity by which he is placed among the great names of Christendom. Princes and orators have lavished panegyrics upon this fugitive slave; and the Catholic Church, in homage to his extraordinary virtues, has introduced him into the company of saints.

Less by genius or eminent services than by their sufferings do the fugitive slaves of our country now commend themselves. For them every sentiment of humanity is aroused;

—— "Who could refrain
That had a heart to love, and in that heart
Courage to make his love known?"

Rude and ignorant they may be; but in their very efforts for Freedom, they claim kindred with all that is noble in the Past. They are among the heroes of our age. Romance has no stories of more thrilling interest than theirs. Classical antiquity has preserved no examples of adventurous trial more worthy of renown. Among them are men whose names will be treasured in the annals of their race. By the eloquent voice they have already done much to make their wrongs known, and to secure the respect of the world. History will soon lend them her avenging pen. Proscribed by you during life, they will proscribe you through all time. Sir, already judgment is beginning. A righteous public sentiment palsies your enactment.

And now, sir, let us review the field over which we have passed. We have seen that any compromise, finally closing the discussion of Slavery under the Constitution, is tyrannical, absurd, and impotent; that as Slavery can exist only by virtue of positive law, and as it has no such positive support in the Constitution, it cannot exist within the National jurisdiction; that the Constitution nowhere recognises property in man, and that, according to its true interpretation, Freedom and not Slavery is national, while Slavery and not Freedom is sectional; that, in this spirit, the National Government was first organized under Washington, himself an Abolitionist, surrounded by Abolitionists, while the whole country, by its Church, its Colleges, its Literature, and all its best voices, was united against Slavery, and the national flag at that time nowhere within the National Territory covered a single slave; still further, that the National Government is a Government of delegated powers, and as among these there is no power to support Slavery, this institution cannot be national, nor can Congress in any way legislate in its behalf; and, finally, that the establishment of this principle is the true way of peace and safety for the Republic. Considering next the provision for the surrender of fugitives from labour, we have seen that it was not one of the original compromises of the Constitution; that it was introduced tardily and with hesitation, and adopted with little discussion, and then and for a long period after was regarded with comparative indifference; that the recent Slave Act, though many times unconstitutional, is especially so on two grounds—*first*, as a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, *secondly*, as a denial of Trial by Jury, in a question of Personal Liberty and a suit at common law; that its glaring unconstitutionality finds a prototype in the British Stamp Act, which our fathers refused to obey as unconstitutional on two parallel grounds—*first*, because it was a usurpation by Parliament of powers not belonging to it under the British Constitution and an infraction of rights belonging to the Colonies; and, *secondly*, because it was a denial of Trial by Jury in certain cases of property; that as Liberty is far above property, so is the outrage perpetrated by the American Congress far above that perpetrated by the British Parliament; and, finally, that the Slave Act has not that support in the public sentiment of the States where it is to be executed, which is the life of all law, and which prudence and the precept of Washington require.

Sir, thus far I have arrayed the objections to this Act, and the false interpretations out of which it has sprung. But I am asked what I offer as a substitute for the legislation which I denounce. Freely I will answer. It is to be found in a correct appreciation of the provisions of the Constitution, under which this discussion occurs. Look at it in the double light of reason and of Freedom, and we cannot mistake the exact extent of its requirements. Here is the provision:

"No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due."

From the very language employed it is obvious that this is merely a *compact* between the States, with a *prohibition* on the States, *conferring no power on the nation*. In its natural signification it is a compact. According to the examples of other countries, and the principles of jurisprudence, it is a compact. All arrangements for the extradition of fugitives have been customarily compacts. Except under the express obligations of treaty, no nation is bound to surrender fugitives. Especially has this been the case with fugitives for Freedom. In medieval Europe, cities refused to recognise this obligation in favour of persons even under the same National Government. In 1531, while the Netherlands and Spain were united under Charles V, the Supreme Council of Mechlin rejected an appfication from Spain for the surrender of a fugitive slave. By express compact alone could this be secured. But the provision of the Constitution was borrowed from the Ordinance of the Northwestern Territory, which is expressly declared to be a compact; and this Ordinance, finally drawn by Nathan Dane, was again borrowed in its distinctive features from the early institutions of Massachusetts, among which, as far back as 1643, was a compact of live nature with other New England States. Thus this provision is a compact in language, in nature, in its whole history; as we have already seen, it is a compact, according to the intentions of our Fathers and the genius of our institutions.

As a compact its execution depends absolutely upon the States, without any intervention of the nation. *Each State, in the exercise of its own judgment, will determine for itself the precise extent of the obligations assumed.* As a compact in derogation of Freedom, it must be construed strictly in every respect—leaning always in favour of Freedom, and shunning any meaning, not clearly obvious, which takes away important personal rights; mindful that the parties to whom it is applicable are regarded as "persons," of course with all the rights of "persons" under the Constitution; and especially mindful of the vigorous maxim of the common law, that he is cruel and impious who does not always favour Freedom. With this key the true interpretation is natural and easy.

Briefly, the States are prohibited from any "law or regulation" by which the fugitive may be discharged, and on the establishment of the claim to his service, he is to be delivered up. But the mode by which the claim is to be tried and determined is not specified. All this is obviously within the control of each State. It may be done by virtue of express legislation, in which event any Legislature, justly careful of Personal Liberty, would surround the fugitive with every shield of the law and Constitution. But such legislation may not be necessary. The whole proceeding, without any express legislation, may be left to the ancient and authentic forms of the common law, familiar to the framers of the Constitution and ample for the occasion. If the fugitive be seized without process, he will be entitled at once to his writ *de Homine Replegiando*, while the master, resorting to process, may find his remedy in the writ *de Nativo Habendo*—each writ requiring Trial by Jury. If from ignorance or lack of employment these processes have slumbered in our country, still they belong to the great arsenal of the common law, and continue, like other ancient writs, *tanquam gladium in vagina*, ready to be employed at the first necessity. They belong to the safeguards of the citizen. But in any event and in either alternative the proceedings would be by "suit at common law," with Trial by Jury; and it would be the solemn duty of the court, according to all the forms and proper delays of the common law, to try the case on the evidence; strictly to apply all the protecting rules of evidence, and especially to require stringent proof, by competent witnesses under cross-examination, that the person claimed was *held* to service; that his service was *due* to the claimant; that he had *escaped* from the State where such service was due; and also proof of the *laws* of the State under which he was held. *Still further, to the Courts of each State must belong the determination of the question, to what classes of persons, according to just rules of interpretation, the phrase "persons held to service or labour" is strictly applicable.*

Such is this much debated provision. The Slave States, at the formation of the Constitution, did not propose, as in the cases of Naturalization and Bankruptcy, to empower the National Government to *establish an uniform rule* for the rendition of fugitives from labour, *throughout the United States;* they did not ask the National Government to charge itself in any way with this service; they did not venture to offend the country, and particularly the Northern States, by any such assertion of a hateful right. They were content, under the sanctions of compact, to leave it to the public sentiment of the States. There, I insist it shall remain.

Mr. President, I have occupied much time; but the great subject still stretches before us. There is yet one other point which I should not leave untouched, and which justly belongs to the close. The Slave Act violates the Constitution and shocks the Public Conscience. With modesty and yet with firmness let me add, sir, it offends against the Divine Law. No such enactment can be entitled to support. As the throne of God is above every earthly throne, so are his laws and statutes above all the laws and statutes of man. To question these is to question God himself. But to assume that human laws are beyond question is to claim for their fallible authors infallibility. To assume that they are always in conformity with those of God is presumptuously and impiously to exalt man to an equality with God. Clearly human laws are not always in such conformity; nor can they ever be beyond question from each individual. Where the conflict is open, as if Congress should command the perpetration of murder, the office of conscience as final arbiter is undisputed. But in every conflict the same Queenly office is hers. By no earthly power can she be dethroned. Each person, after anxious examination, without haste, without passion, solemnly for himself must decide this great controversy. Any other rule attributes infallibility to human laws, places them beyond any question, and degrades all men to an unthinking passive obedience.

According to St. Augustine, an unjust law does not appear to be a law; *lex esse non videtur quæ justa non fuerit;* and the great fathers of the Church, while adopting these words, declare openly that unjust laws are not binding. Sometimes they are called "abuses," and not laws; sometimes "violences," and not laws. And here again the conscience of each person is the final arbiter. But this lofty principle is not confined to the Church. A master of philosophy in early Europe, a name of intellectual renown, the eloquent Abelard, in Latin verses addressed to his son, has clearly expressed the universal injunction:

Jussa potestatis terrenæ discutienda
Cœlestis tibi mox perficienda scias.
Siquis divinis jubeat contraria jussis
Te contra Dominum pactio nulla trahat.

The mandates of an earthly power may be discussed; those of Heaven must at once be performed; nor can any agreement constrain us against God. Such is the rule of morals. Such, also, by the lips of judges and sages, has been the proud declaration of the English law, whence our own is derived. In this conviction patriots have fearlessly braved unjust commands, and martyrs have died.

And now, sir, the rule is commended to us. The good citizen as he thinks of the shivering fugitive, guilty of no crime, pursued, hunted down like a beast, while praying for Christian help and deliverance, and as he reads the requirements of this act, is filled with horror. Here is a despotic mandate, "to aid and assist in the prompt and efficient execution of this law." Again let me speak frankly. Not rashly would I set myself against any provision of law. This heavy responsibility I would not lightly assume. But here the path of duty is clear. By the Supreme Law, which commands me to do no injustice; by the comprehensive Christian Law of Brotherhood; *by the Constitution, which I have sworn to support*. I AM BOUND TO DISOBEY THIS ACT. Never, in any capacity, can I render voluntary aid in its execution. Pains and penalties I can endure; but this great wrong I cannot do. "I cannot obey; but I can suffer," was the exclamation of the author of Pilgrim's progress, when imprisoned for disobedience to an earthly statute. Better suffer injustice than do it. Better be the victim than the instrument of wrong. Better be even the poor slave, returned to bondage, than the unhappy Commissioner.

There is, sir, an incident of history, which suggests a parallel, and affords a lesson of fidelity. Under the triumphant exertions of that Apostolic Jesuit, St. Francis Xavier, large numbers of the Japanese, amounting to as many as two hundred thousand—among whom were princes, generals, and the flower of the nobility—were converted to Christianity. Afterwards, amidst the frenzy of civil war, religious persecution arose, and the penalty of death was denounced against all who refused to trample upon the effigy of the Redeemer. This was the Pagan law of a Pagan land. But the delighted historian records that scarcely one from the multitudes of converts was guilty of this apostacy. The law of man was set at naught. Imprisonment, torture, death, were preferred. Thus did this people refuse to trample on the painted image. Sir, multitudes among us will not be less steadfast in refusing to trample on the living image of their Redeemer.

Finally, sir, for the sake of peace and tranquility, cease to shock the Public Conscience; for the sake of the Constitution, cease to exercise a power nowhere granted, and in defiance of rights expressly secured. Leave this question where it was left by our father, at the formation of our National Government, in the absolute control of the States, the appointed guardians of Personal Liberty. Repeal this enactment. Let its terrors no longer rage through the land. Mindful of the lowly whom it pursues, of the good men perplexed by its requirements; in the name of charity, in the name of the Constitution, repeal this enactment, totally and without delay. Be inspired by the example of Washington. Be admonished by those words of Oriental piety—"Beware of the groans of the wounded souls. Oppress not to the utmost a single heart; for a solitary sigh has power to overset a whole world."

Miscellaneous Department.

THE SULTAN AND TURKISH MODERN COSTUME.

Upon an early day of his stay in Constantinople, Dr. Wagner was so fortunate as to enjoy a near and leisurely view of his Highness Abdul Meschid. It was a Friday, upon which day the grand seignior is wont to perform his devotions in one of the principal mosques of his capital. In the court of the great Achmet mosque, Dr. Wagner saw a crowd assembled round a group of twenty horses, amongst which was a slender, richly-caprisoned, silver-grey Arabian, of extraordinary beauty and gentleness. It was a favourite steed of the sultan's. Presently the door of the mosque opened; the grey was led close up to the lowest step; a slender Turk came forth, descended the steps stiffly, and rather unsteadily, was assisted into saddle and stirrup by black slaves, and rode silently away through the silent crowd, which gave back respectfully as he passed; whilst every head was bowed and every hand placed upon the left breast. No shout or cheer was heard—Turkish custom forbidding such demonstrations—nor did the sovereign requite by salute or smile his subjects' mute reverence. At that time Abdul Meschid was but twenty years old. His appearance was that of a sickly man of thirty. Early excesses had prematurely aged him. His cheeks were sunken; lines, rarely seen in youth, were visible at the corners of his eyes and mouth; his gaze was fixed and glassy. Dr. Wagner is witty at the expense of another German writer, who saw the sultan since he did, and sketched his personal appearance far more favourably.

"It is possible, however," he says, "that with improved health the sultan's figure may have improved and his countenance have acquired nobility, so as to justify the description of the genial author of the 'Fragments.' Possible is it that Dr. Spitzer's steel pills, combined with the seraglio cook's strong chicken broth and baths of Burgundy wine may have wrought this physical marvel, have given new vigour to the muscles, have braced the nerves, and have imparted to his highness's drooping cheeks that firm and healthful look which the learned German declares he noted on the occasion of his audience. Abdul Meschid has still youth on his side; and when such is the case, nature often willingly aids the physician's inadequate art. At the time I speak of, it is quite certain that the young sultan looked like a candidate for the hospital. His aspect excited compassion, and corresponded with the description given to us of him by the German sculptor, Streichenberg, who certainly contemplated his highness more closely and minutely than the 'Fragment' writer, seeing that his business was to carve the Padishah's likeness in ivory. As an artist, Mr. Streichenberg was not particularly edified by the lean frame and flabby countenance of so young a prince. Not to displease his sublime patron, he was compelled to follow the example of that other German sculptor, who, commissioned by his royal Mæcenas to model his hand and leg for a celebrated dancer, adopted, instead of the meagre reality, the graceful ideal of the Belvidere Apollo, and so earned both praise and guerdon. The person of the grand seignior appeared to Streichenberg, as it did to me, emaciated, relaxed, narrow-breasted, and faded. Two years later, when I again saw the sultan, in the solemn procession of the Kurban-Beiram, a renegade, who stood beside me, exclaimed, 'Were I the sultan, and looked as he looks, I would never show myself in public.'"

Close behind the sultan rode the chief of the eunuchs, a fat negro from Sudan, mounted upon a horse as black as himself; and behind him came a young Turk of remarkable beauty, whose thick raven black beard contrasted with the whiteness of his complexion, as did his whole appearance with that of the sickly sovereign, and with the dingy, monkey-like physiognomy of the Kislar Aga. Beside such foils, no wonder that the picturesque young oriental, with his profile like that of some Saracen warrior, and his dreamy thoughtful eyes, found favour with the fair. Riza Pasha was his name; he was then the seraglio-favourite, the lover of Valide, the mother of the sultan. He alone pulled the strings of Turkish politics, and made the lame old grand vizier, Rauf Pasha, dance like a puppet to whatever tune he piped.

The sultan and his suite were attired in the reformed costume—in blue frocks of Polish cut, red trousers, and the red fez, with its abundant blue tassel drooping over it on all sides. Scarcely had they ridden out of sight when a group of very different character and appearance issued from the chief gate of the mosque, gathering on its way far more demonstrations of popularity than did Abdul Meschic and his Kisslar Aga. It was composed of Turkish priests and doctors—*ulemus*, with their *mufti* at their head—all in the old Turkish garb, with ample turbans and huge beards. The sympathy of the people with these representatives of the old *regime* was expressed by far lower bows, by more fervent pressure of hand on heart, than had greeted the sultan's passage. The holy men looked kindly upon the crowd, amongst whom the mufti occasionally threw small coins, which naturally augmented his popularity, and secured him many followers and good wishes. Dr. Wagner remarks upon the present contradictory and anomalous state of Turkish dress. At the festival of the Kurban-Beiram he saw the sultan and all the state officials, from the grand vizier downwards in European uniforms—narrow trousers, gold epauletts, tight-buttoned coats, collars stiff with embroidery. But at the collar the Frank ceased, and the oriental reappeared. There was the long beard, and the brimless fez. With this last item of costume, the boldest Turkish reformer has not as yet dared to interfere. The covering of the forehead with a peak or brim to the cap is an innovation for which the Turks are not yet ripe. It is considered the outward and visible sign of the giaour, and a Turk who should walk the streets of Constantinople in a hat, or in a cap with a peak, would be stoned by the mob. The prejudice springs from the duty stringently enjoined upon every true believer, to touch the ground with his forehead when praying. Hence, to wear a vizard over the brow appears to the Turk like contempt of a religious law. A bold European in the service of the Porte advised Sultan Mahmoud to put leathern peaks to his soldiers' caps. On duty they would keep off the sun; at prayer-time the caps might be turned round upon the head. But Mahmoud, passionate reformer though he was, shrank from offering so deadly an affront to Turkish fanaticism. Neither did he dare, like Peter the Great, to crop his subjects' beards. The well-intended changes which he did introduce were sufficiently startling, and to many of them, even at the present day, the nation is scarcely reconciled. In a picturesque point of view, the new style of dress, intended as the signal of a general change in Turkish usages and institutions, is anything but an improvement upon the old one. The physical prestige of the oriental departed with his flowing robe, with his shawls and his rich turban.—*Article: From Stamboul to Tabriz* (*in Blackwood's Magazine*).

THE BOOK OF SNOBS.*

The famous Snob papers of the London Punch, in which Thackeray reads his usual lesson to overbearing pomp and fawning meanness, to arrogant pretension and obsequious servility, to bullies and toadies; a lesson, enlivened with the heartiest humour and informed by the wisest experience, which the world cannot fail to take kindly and be wiser, better, and happier for it.

Thackeray's touch of nature that makes the whole world kin is the touch on the *raw*. His lash, directed by his keen world's eye, never misses its aim; it reaches the sore spot in spite of manifold trappings and contrivances. None are spared from monarch to footman, from King Gorgius to flunky Seames.

Thackeray in his Book of Snobs takes a wide range, keeping up a brisk fire along the lines of all the host of pretenders and mock valiants, the whole army of Snobs. Royal snobs, court snobs, military snobs, clerical snobs, literary snobs, political snobs, country snobs, dining-out snobs, and all the snobs, are raked without mercy. Nature and truth, however, come off triumphantly, as they always do under the skilful generalship of Thackeray.

George the Fourth, the first gentleman in the world, as his snob subjects were in their snobbishness wont to term him, the bloated, pampered corrupt reprobate king, the painted, gewgawed royal Fetish, before whom English men and women bowed down and worshipped, forgetful of God and man both. This gilded idol, George the Fourth, Gorgius as Thackeray calls him, is terribly battered, bruised, and effectually demolished:

GORGIUS IV.

"I will not, however, take instances from our own country of Royal Snobs, but refer to a neighbouring kingdom, that of Brentford—and its monarch, the late great and lamented Gorgius IV. With the same humility, with which the footmen at the King's Arms gave way before the Plush Royal, the aristocracy of the Brentford nation bent down and truckled before Gorgius, and proclaimed him the first gentleman in Europe. And it's a wonder to think what is the gentlefolks opinion of a gentleman, when they gave Gorgius such a title.

"What is it to be a gentleman? Is it to be honest, to be gentle, to be generous, to be brave, to be wise, and, possessing all these qualities, to exercise them in the most graceful outward manner? Ought a gentleman to be a loyal son, a true husband, and honest father? Ought his life to be decent—his bills to be paid—his tastes to be high and elegant—his aims in life lofty and noble? In a word, ought not the Biography of a First Gentleman in Europe to be of such a nature, that it might be read in Young Ladies' School with advantage, and studied with advantage, and studied with profit in the Seminaries of Young Gentlemen? I put this question to all instructors of youth—to Mrs. Ellis and the Women of England; to all schoolmasters, from Doctor Hawtrey down to Mr. Squeers. I conjure up before me an awful tribunal of youth and innocence, attended by its venerable instructors (like the ten thousand red-cheeked charity-children in Saint Paul's), sitting in judgment, and Gorgius pleading his cause in the midst. Out of Court, out of Court, fat old Florizel! Beadles, turn out that bloated, pimple-faced man;—If Gorgius *must* have a statue in the new Palace which the Brentford nation is building, it ought to be set up in the Flunkies Hall. He should be represented cutting out a coat, in which art he is said to have excelled. He also invented Maraschino punch, a shoe-buckle (this was in the vigour of his youth, and the prime force of his invention), and a Chinese pavilion, the most hideous building in the world. He could drive a four-in-hand very nearly as well as the Brighton coachman, could fence elegantly, and, it is said, played the fiddle well. And he smiled with such irresistible fascination, that persons who were introduced into his august presence became his victims, body and soul, as a rabit becomes the prey of a great big boa-constructor.

"I would wager that if Mr. Widdicomb were, by a revolution, placed on the throne of Brentford, people would be equally fascinated by his irrisistibly majestic smile, and trembled as they knelt kown to kiss his hand. If he went to Dublin they would erect an obelisk on the spot where he first landed, as the Paddylanders did when Gorgius visited them. We have all of us read with delight that story of the King's voyage to Haggisland, where his presence inspired such a fury of loyalty; and where the most famous man of the country—the Baron of Bradwardine—coming on board the royal yacht, and finding a glass out of which Gorgius had drunk, put it it into his coat pocket as an inestimable relic, and went ashore in his boat again. But the Baron sat down upon the glass and broke it, and cut his coat-tails very much; and the estimable relic was lost to the world forever! O noble Bradwardine! what Old-World superstition could set you on your knees before such an idol as that?

"If you want to moralize upon the mutability of human affairs go and see the figure of Gorgius in his real, identical robes, at the wax work. Admittance one shilling. Children and flunkies sixpence. Go, and pay sixpence."

Thackery might have spared, however, Sir Walter; his reverence for genius should have allowed him to go scot-free. Sir Walter Scott's sentiment of loyalty came from no man-worship, but was an element of that poetical spirit with which he surrounded all that was allied to tradition, with the reverence of antiquity.

Here is an illustration of snobbishness, applicable everywhere where there are young men and maidens, propective old bachelors and prospective (dare we utter it?) old maids, as applicable to New York as London:

SNOBS AND MARRIAGES.

"Everybody of the middle rank who walks through this life with a sympathy for his companions on the same journey—at any rate, every man who has been jostling in the world for some three or four lustres—must make no end of melancholy reflections upon the fate of those victims whom Society, that is, Snobbishness, is immolating every day. With love and simplicity and natural kindness Snobbishness is perpetually at war. People dare not be happy for fear of Snobs. People dare not love for fear of Snobs. People pine away lonely under the tyranny of Snobs. Honest kindly hearts dry up and die. Gallant generous lads, blooming with hearty youth, swell into bloated old-bachelorhood, and burst and tumble over. Tender girls wither into shrunken decay, and perish solitary, from whom Snobbishness has cut off the common claim to happiness and affection with which Nature endowed as all. My heart grows sad as I see the blundering tyrant's handywork. As I behold it I swell with cheap rage, and glow with fury against the Snob. Come down, I say, thou skulking dullness. Come down, thou stupid bully, and give up thy brutal ghost! And I arm myself, with the sword and spear, and taking leave of my family, go forth to do battle with the hideous ogre and giant, that brutal despot in Snob Castle, who holds so many gentle hearts in torture and thrall.

"When *Punch* is king, I declare there shall be no such thing as old maids and old bachelors. The Reverend Mr. Malthus shall be burned annually, instead of Guy Fawkes. Those who don't marry shall go into the workhouse. It shall be a sin for the poorest not to have a pretty girl to love him.

"The above reflections came to mind after taking a walk with an old comrade, Jack Spiggot by name, who is just passing into the state of old bachelorhood, after the manly and blooming youth in which I remember him. Jack was one of the handsomest fellows in England when we entered together in the Highland Buffs; but I quitted the Cuttyquilts early, and lost sight of him for many years.

"Ah! how changed he is from those days! He wears a waistband now, and has begun to dye his whiskers. His cheeks, which were red, are now mottled; his eyes, once so bright and steadfast, are the colour of peeled plovers' eggs.

"'Are you married, Jack?' says I, remembering how consumedly in love he was with his cousin Letty Lovelace, when the Cuttykilts were quartered at Strathbungo some twenty years ago.

"'Married? no,' says he. 'Not money enough. Hard enough to keep myself, much more a family, on five hundred a-year. Come to Dickinson's; there's some of the best Madeira in London there, my boy.' So we went and talked over old times. The bill for dinner and wine consumed was prodigious, and the quantity of brandy-and-water that Jack took showed what a regular boozer he was. 'A guinea or two guineas. What the devil do I care what I spend for my dinner?' says he.

"'And Letty Lovelace,' says I.

"Jack's countenance fell. However, he burst into a loud laugh presently. 'Letty Lovelace!' says he, 'She's Letty Lovelace still; but Gad, such a wizened old woman! She's as thin as a thread-paper (you remember what a figure she had); her nose has got red, and her teeth blue. She's always ill; always quarrelling with the rest of the family; always psalm-singing, and always taking pills. Gad, I had a rare escape *there*. Push round the grog, old boy.'

"Straightway memory went back to the days when Letty was the loveliest of blooming young creatures: when to hear her sing was to make the heart jump into your throat; when to see her dance was better than Montessu or Noblet (they were the Ballet Queens of those days); when Jack used to wear a locket of her hair, with a little gold chain round his neck, and, exhilarated with toddy, after a sederunt of the Cuttykilt mess, used to pull out this token, and kiss it, and howl about it, to the great amusement of the bottle-nosed old Major and the rest of the table.

"'My father and hers couldn't put their horses together,' Jack said. 'The general wouldn't come down with more than six thousand. My Governor said it shouldn't be done under eight. Lovelace told him to go and be hanged, and so we parted company. They said she was in a decline. Gammon! She's forty, and as tough and as sour as this bit of lemon peel. Don't put much into your punch, Snob, my boy. No man *can* stand punch after wine.'

"'And what are your pursuits, Jack?' says I.

"'Sold out when the Governor died. Mother lives at Bath. Go down there once a year for a week. Dreadful slow. Shilling whist. Four sisters—all unmarried except the youngest—awful work. Scotland in August. Italy in the winter: cursed rheumatism. Come to London in March, and toddle about at the Club, old boy; and we won't go home till maw-aw-rning till daylight does appear.'

"'And here's the wreck of two lives!' mused the present Snobographer, after taking leave of Jack Spiggot. 'Pretty merry Letty Lovelace's rudder lost and she cast away, and handsome Jack Spiggot stranded on the shore like a drunken Trinculo.'

"What was it that insulted Nature (to use no higher name), and perverted her kindly intentions towards them? What cursed frost was it that nipped the love that both were bearing, and condemned the girl to sour sterility, and the lad to selfish old-bachelor-hood? It was the infernal Snob tyrant who governs us all, who says, 'Thou shalt not love without a lady's-maid; thou shalt not marry without a carriage and horses; thou shalt have no wife in thy heart, and no children on thy knee, without a page in buttons and a French *bonne;* thou shalt go to the devil unless thou hast a Brougham; marry poor, and society shall forsake thee; thy kinsman shall avoid thee as a criminal; thy aunts and uncles shall turn up their eyes and bemoan the sad, sad manner in which Tom or Harry has thrown himself away.' You, young woman, may sell yourself without shame, and marry old Crœsus; you, young man, may lie away your heart and your life for a jointure. But if you are poor, wo be to you! Society, the brutal Snob autocrat, consigns you to solitary perdition. Wither, poor girl, in your garret; rot, poor bachelor, in your Club.

"When I see those graceless recluses—those unnatural monks and nuns of the order of St. Beelzebub, my hatred for Snobs and their worship and their idols, passes all continence. Let us hew down that man-eating Juggernaut, I say, that hideous Dagon; and I glow with the heroic courage of Tom Thumb, and join battle with the giant Snob."—*The Literary World*.

* The Book of Snobs. By W. M. Thackeray.

Scorching to Death.—In the introduction to 'Birds of Australia,' Mr. Gould relates a distressing incident, occasioned by a flood in the interior of New South Wales. In the course of his peregrinations, he had once or twice visited a cattle station, where Lieutenant Lowe and his nephew gave him a cordial reception. The gentlemen had come from a distance to superintend the shearing operations, and Mr. Gould writes:—'Seven days after my departure from their dwelling, heavy rains suddenly set in; the mountain-streams swelled into foaming torrents, filling the deep gullies, the rivers rose, some to the height of forty feet, bearing all before them. The Namoi, having widely overflowed its banks, rolled along with impetuous fury, sweeping away the huts of the stock-keepers in its course, tearing up trees, and hurrying affrighted men and flocks to destruction. Before there was time to escape, the hut in which Lieutenant Lowe and his nephew were sojourning was torn up and washed away, and the nephew and two men, overwhelmed by the torrent, sank and perished. Lieutenant Lowe stripped to swim; and getting on the trunk of an uprooted tree, hoped to be carried down the eddying flood to some part where he could obtain assistance. But he was floated into the midst of a sea of water, stretching as far as he could discern on every side around him. Here he slowly drifted; the rains had ceased, the thermometer was at 100°, a glaring sun and a coppery sky were above him; he looked in vain for help; but no prospect of escape animated him, and the hot sun began its dreadful work. His skin blistered, dried, became parched and hard like the bark of a tree, and life began to ebb. At length assistance arrived—it came too late; he was indeed just alive, but died almost immediately. He was scorched to death!'

Inviolable fidelity, good humour and complacency of temper, outlive all the charms of a fine face, and make the decay of it invisible.